Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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Second Floor/Director's Office: (503) 378-5518
Web Address: http://www.oregon.gov/LCD

NOTICE OF ADOPTED AMENDMENT

October 17, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 003-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: October 31, 2006

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Hanley Jenkins II, Union County

<paa>

FORM 2

DEPT OF
OCT 12 2006
LAND CONSERVATION
AND DEVELOPMENT

D L C D 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

(See reverse side for submittal requirements)

Jurisdiction: La Grande/Union County Local File No.: none
(If no number, use none)

Date of Adoption: 10-4-06 Date Mailed: 10-10-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3-8-05 by City of La Grande

~~X~~ Comprehensive Plan Text Amendment ___ Comprehensive Plan Map Amendment

X Land Use Regulation Amendment ___ Zoning Map Amendment

~~X~~ New Land Use Regulation ___ Other: _____
(Please Specify Type of Action)

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

The Union County Zoning, Partition & Subdivision Ordinance was amended to include amendments to the City of La Grande's Development Code. Amendments addressed public concerns & requests, state law changes and change of administration of the flood plain requirements & Sign Code.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: City of La Grande/Union County Acres Involved: ?

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1,2,3,9 & 12

Was an Exception Adopted? Yes: ____ No: X

DLCD File No.: 003-06 (NOA)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: x No: ____

If no, do the Statewide Planning Goals apply. Yes: ___ No: ____

If no, did The Emergency Circumstances Require immediate adoption. Yes: ___ No: ____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

_____

Local Contact: Hanley Jenkins, II Area Code + Phone Number: (541)963-1014

Address: 1001 4th Street, Suite C

City: La Grande Zip Code+4: 97850

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 (2) Copies** 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

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

5. The deadline to appeal will 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable	**STEVE MCCLURE**	**CHAIR**
	COLLEEN MACLEOD	**COMMISSIONER**
	JOHN LAMOREAU	**COMMISSIONER**

WHEN, on Wednesday, the 4th day of October 2006, among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING THE UNION COUNTY ZONING, PARTITION & SUBDIVISION ORDINANCE TO INCLUDE AMENDMENTS TO THE CITY OF LA GRANDE'S DEVELOPMENT CODE AND DECLARING AN EMERGENCY	ORDINANCE 2006-04

WHEREAS, the City of La Grande advertised, held public hearings and adopted City of La Grande Ordinance No. 3047, Series 2006 which amended, recodified, and repealed Ordinance No. 3014, Series 2003 to address public concerns and requests, state law changes, flood plain administration changes and Sign Code amendments;

WHEREAS, Union County Ordinance 1983-8, Joint Management Agreement - Union County and the City of La Grande delegates the County's zoning and planning authority to the City of La Grande for that area between the City Limits and the Urban Growth Boundary and requires the County to adopt land use regulations administered by the City of La Grande;

WHEREAS, the City of La Grande submitted an application that was reviewed by the Union County Planning Commission at an advertised public hearing on September 25, 2006 and where they voted to recommend approval of the application to the Union County Board of Commissioners; and

WHEREAS, the Board of Commissioners advertised and held a de novo public hearing on October 4, 2006 to accept public testimony, deliberate and potentially make a decision.

NOW THEREFORE, BE IT ORDAINED BY THE UNION COUNTY BOARD OF COMMISSIONERS, STATE OF OREGON:

SECTION 1: AMENDMENTS

Union County Zoning, Partition and Subdivision Ordinance is amended to include City of La Grande Ordinance Number 3047, Series 2006 (Attachment "A") approved and affixed hereto.

SECTION 2: FINDINGS DOCUMENT

Adopted, approved and affixed hereto are Supporting Findings of Fact, La Grande Development Code Amendments (Attachment "B").

SECTION 3: EMERGENCY ADOPTION

An emergency is hereby declared to allow the City of La Grande to implement the above changes simultaneously with development code changes within the city limits.

PASSED AND ADOPTED this 4th day of October 2006, by a vote of the following members of the Union County Board of Commissioners voting therefore.

Steve McClure, Chair

Colleen MacLeod, Commissioner

John Lamoreau, Commissioner

Exhibit "B"

Supporting Findings of Fact
La Grande Development Code Amendments

1. Union County Ordinances 1983-8 and 1990-1 state the County and City shall have joint input on land use decisions within the City's UGA.

2. The Union County Land Use Plan identifies three criteria to be satisfied before land use regulation amendment approval can be granted.

3. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (2) & (3) requires the applicant to satisfy general amendment criteria before Plan amendment approval can be granted.

4. The City of La Grande submitted its ordinance revisions to the Union County Planning Commission in accordance with Union County Ordinance 1983-8.

5. Adoption of the City of La Grande Ordinance No. 3047, Series 2006, would have general applicability to land between the La Grande City Limits and the La Grande Urban Growth Boundary.

6. The applicant has satisfied the three Union County Land Use Plan Policies for a land use regulation change because it was brought to the City's attention by Staff, contractors and the general public that there was a clear public need warranting the proposed amendments, there were no specific sites proposed to be rezoned by the request and no exceptions or exclusions were proposed.

7. The applicant has satisfied UCZPSO Section 23.05 (2) & (3) based on the La Grande City Council Findings of Fact submitted with the application.

8. The applicant has satisfied the City of La Grande - Union County Joint Management Agreement as shown in Exhibit "C" submitted with the application.

Attachment "A"

CITY OF LA GRANDE
"LAND DEVELOPMENT CODE"
ORDINANCE NUMBER 3047
SERIES 2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON, REPEALING ORDINANCE NUMBER 2877, SERIES 1995, ORDINANCE NUMBER 2961, SERIES 2000, ORDINANCE NUMBER 3006, SERIES 2003, ORDINANCE NUMBER 3014, SERIES 2003, AND ADOPTING AN ORDINANCE OF THE CITY OF LA GRANDE, OREGON, AMENDING VARIOUS ARTICLES CONTAINED WITHIN THE DOCUMENT, ADDING NEW LANGUAGE AND RECODIFYING THE "LAND DEVELOPMENT CODE" ORDINANCE

WHEREAS, periodic amendment of the Land Development Code is necessary to address issues identified during implementation and enforcement of the Code, to comply with recent State Legislation and to address changing circumstances in the community; and,

WHEREAS, after proper public notice, the Planning Commission has conducted public meetings and a public hearing to review these amendments and recommends that they be adopted by the City Council; and,

WHEREAS, the City Council has conducted the required public hearing to consider the proposed amendments and finds that they would be in the best interests of the community;

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

SECTION 1. The Land Development Code, as adopted by Ordinance Number 3014, Series 2003, is recodified with the following amended provisions:

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CITY OF LA GRANDE

ORDINANCE NUMBER 3047

SERIES 2006

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2. Geological Hazard Map
3. Riparian Map
4. Wetland Resource Map [Ord. 3047, July 12, 2006]
5. Flood Plain Map
6. Exempt Off-Street Parking
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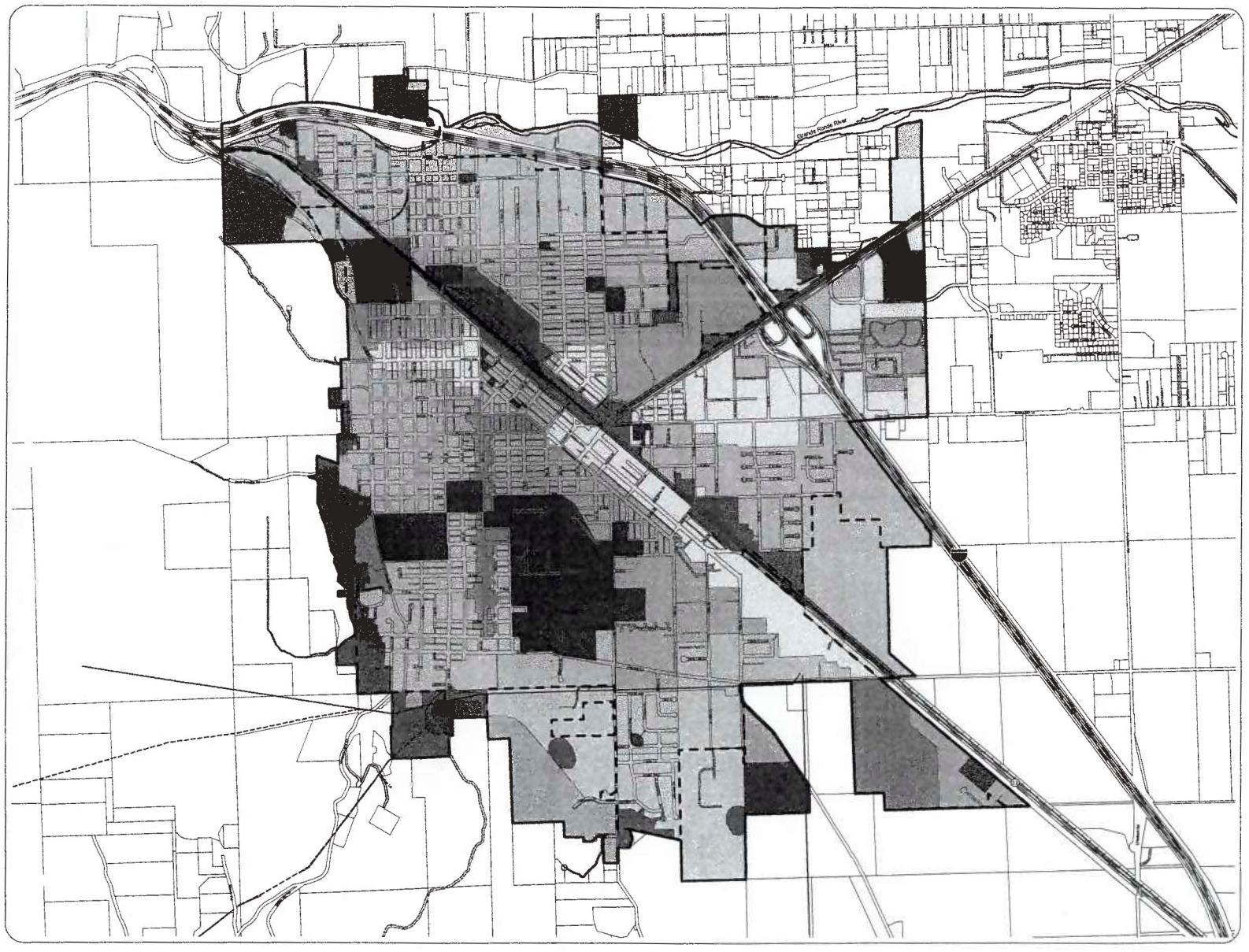


City of La Grande

Zoning Map

Zones

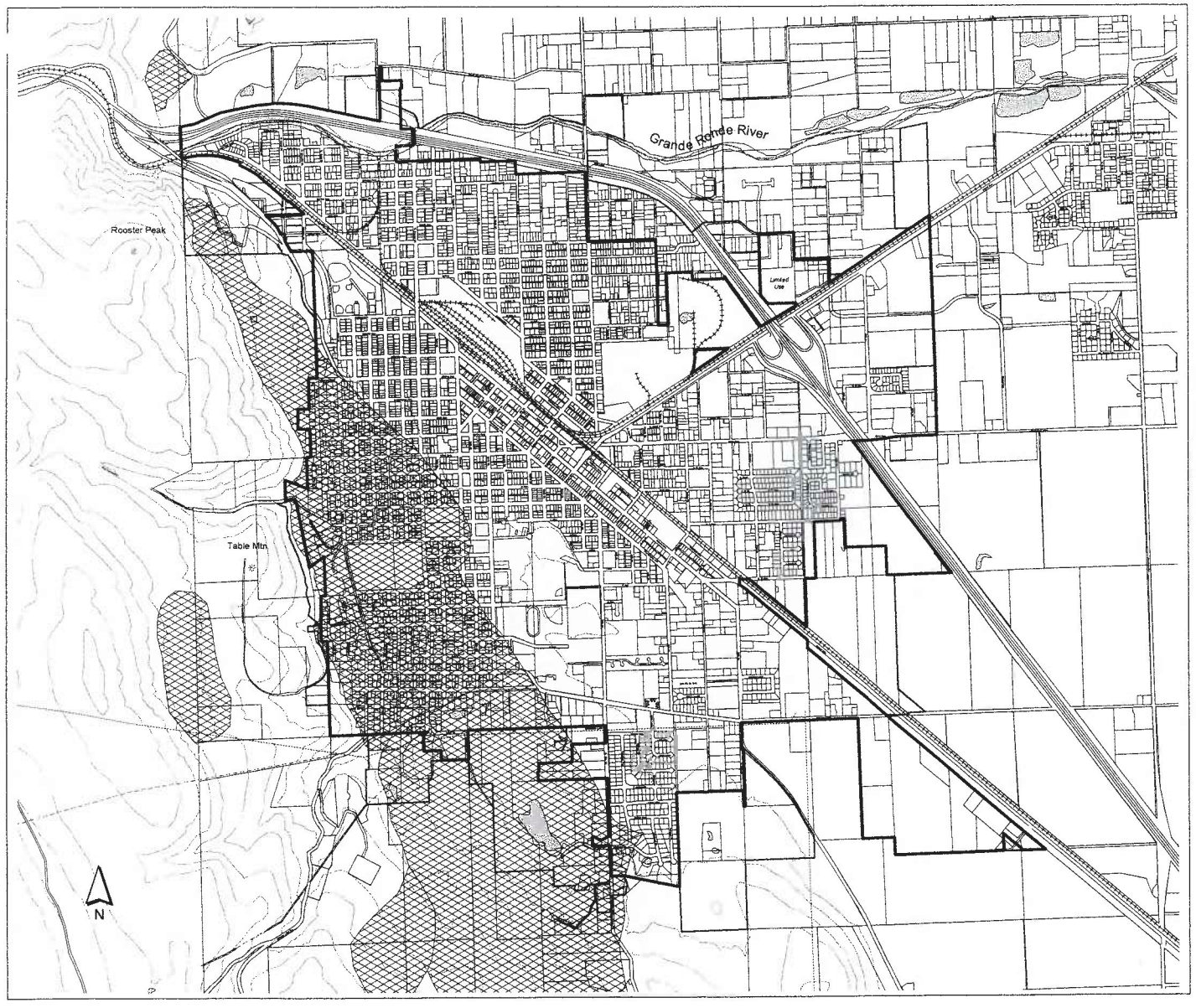
- Hillside Development (HD)
- Rural Residential (RR-1)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Residential-Professional (R-P)
- Central Business (CB)
- General Commercial (GC)
- Interchange Commercial (IC)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Business Park (BP)
- Public Facilities (PF)

Legend

- Powerline
- Pipeline
- Railroad
- Highways
- River
- City Limits
- UGB

0 2000 4000 Feet

Adopted by Ordinance Number 3047, Series 2006



City of La Grande

Geologic Hazard Zone

Geologic Hazard

NOTE:

A Geological Hazard Waiver is required to be signed before a Building Permit for new construction is allowed within the Geological Hazard Zone.

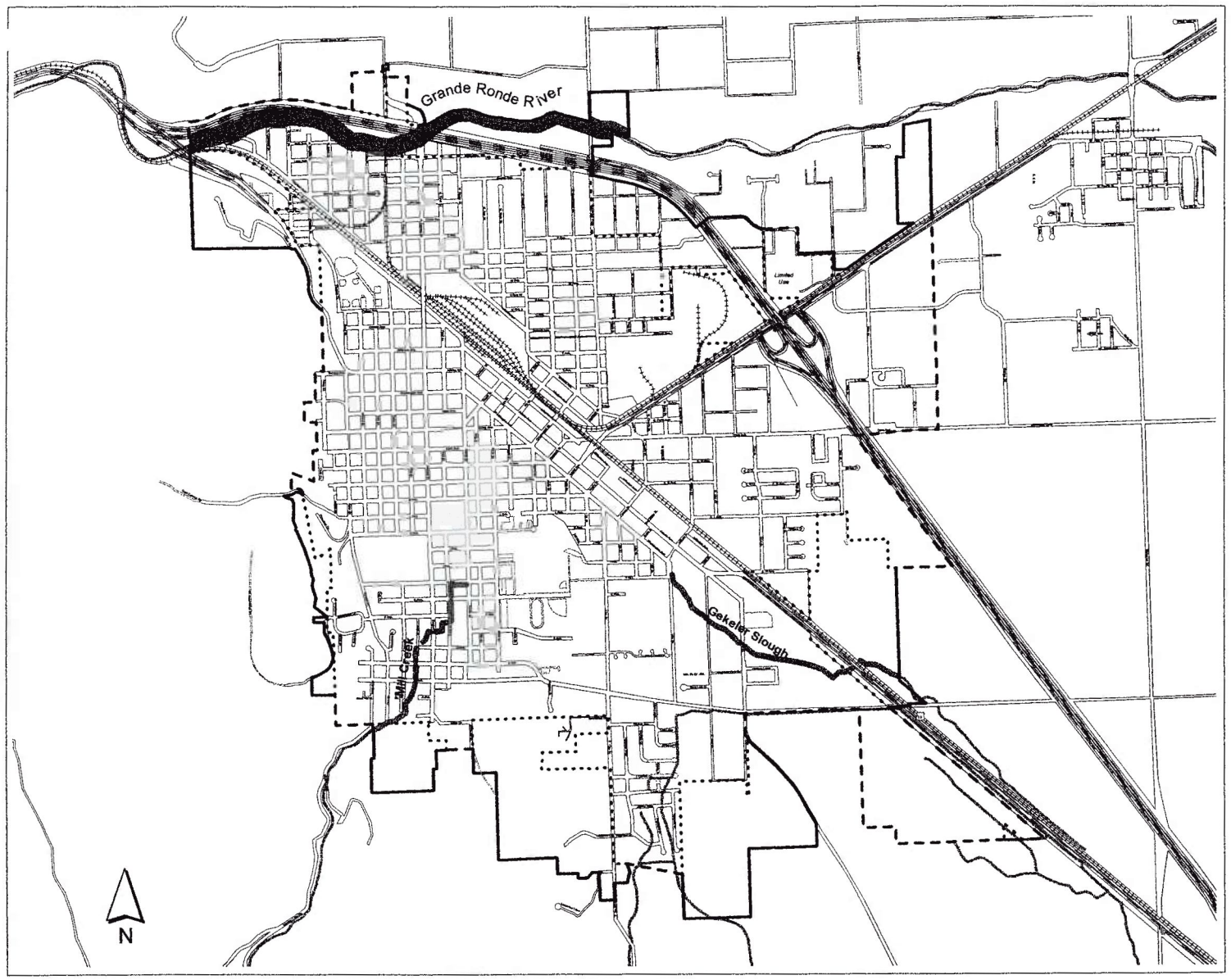
A Site Plan, meeting the requirements of the Land Development Code, must be submitted to the Planning Division for approval.

Legend

Powerline		Mountains	
Pipeline		Ponds	
Railroad		City Blocks	
Highways		City Limits	
River		UGB	
Contours			

0 2000 4000 6000 Feet

Adopted by Ordinance Number 3047, Series 2006



City of La Grande

Riparian Corridors

Legend

- Riparian Corridors
- Waterways
- Railroad
- Highways
- City Blocks

UGB & City Limits

- UGB
- City Limits
- Both

The riparian corridor for the Grande Ronde River shall be 100' upland from the top of each bank.

The riparian corridor for Mill Creek and Gekeler Slough shall be 50' upland from the top of each bank.

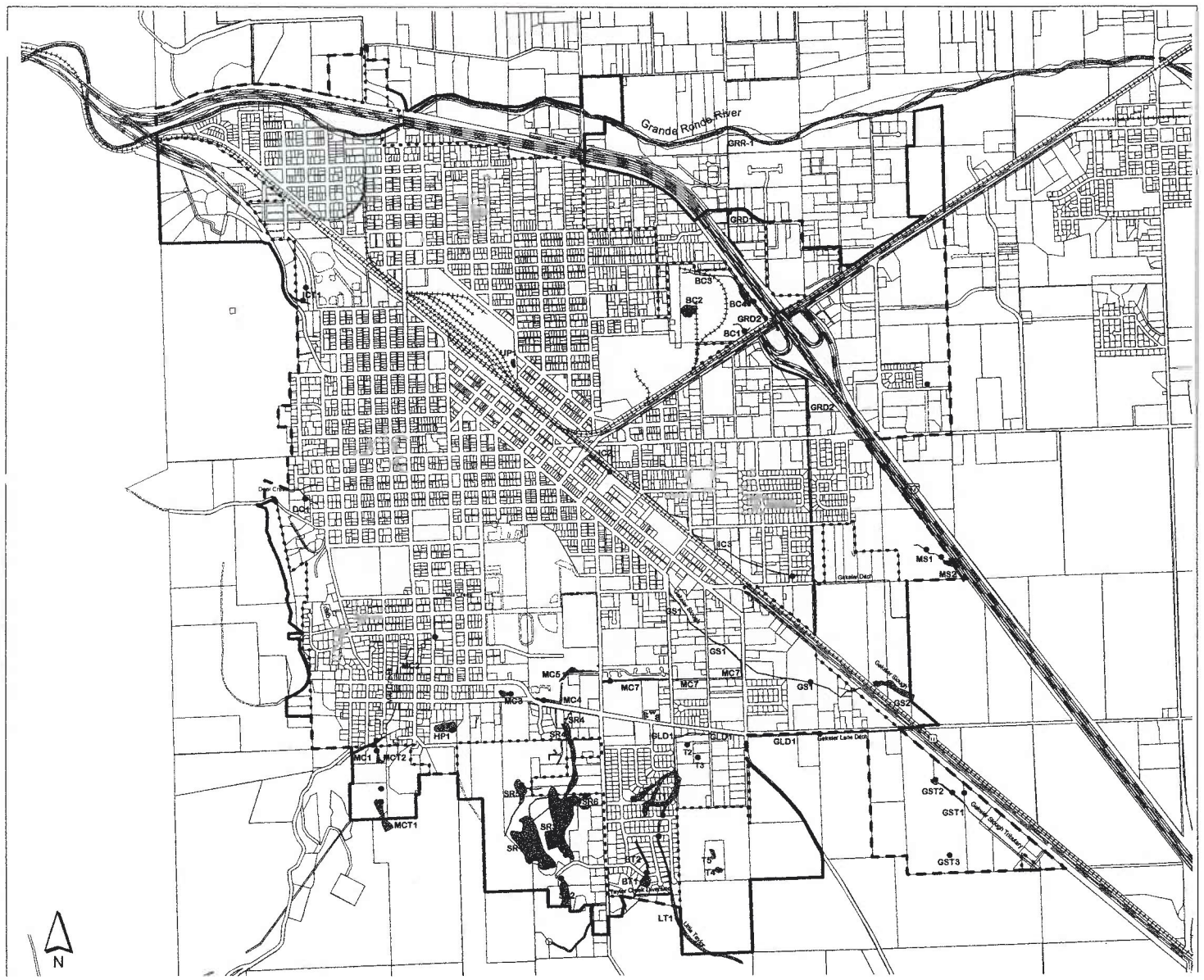
Note: The riparian corridor applies only to lands within the City of La Grande Urban Growth Boundary.

0 2000 4000 Feet

CITY of LA GRANDE
THE HUB OF NORTHEASTERN OREGON

Projected in
Lambert Conformal Conic
State Plane - 1983
Oregon, North

Adopted by Ordinance Number 3047
Series 2006



City of La Grande

Local Wetlands Inventory Map

Legend

- Sample Points
- Wetlands
- Railroad
- Highways
- Parcels
- City Blocks

UGB & City Limits

- UGB
- City Limits
- Both

PLEASE SEE SHEET 2
FOR WETLANDS CODE LEGEND

DISCLAIMER

Information shown on this map is for planning purposes and all wetland boundaries are approximate. In all cases, actual field conditions determine wetland boundaries. There may be unmapped wetlands subject to regulation. In some cases the error in wetland boundary mapping may exceed 25 feet.

0 1000 2000 3000 Feet

CITY of LA GRANDE
THE HUB OF NORTHEASTERN OREGON

Projected in
Lambert Conformal Conic
State Plane - 1983
Oregon, North

SHEET 1 OF 2

Adopted by Ordinance Number 3047
Series 2006

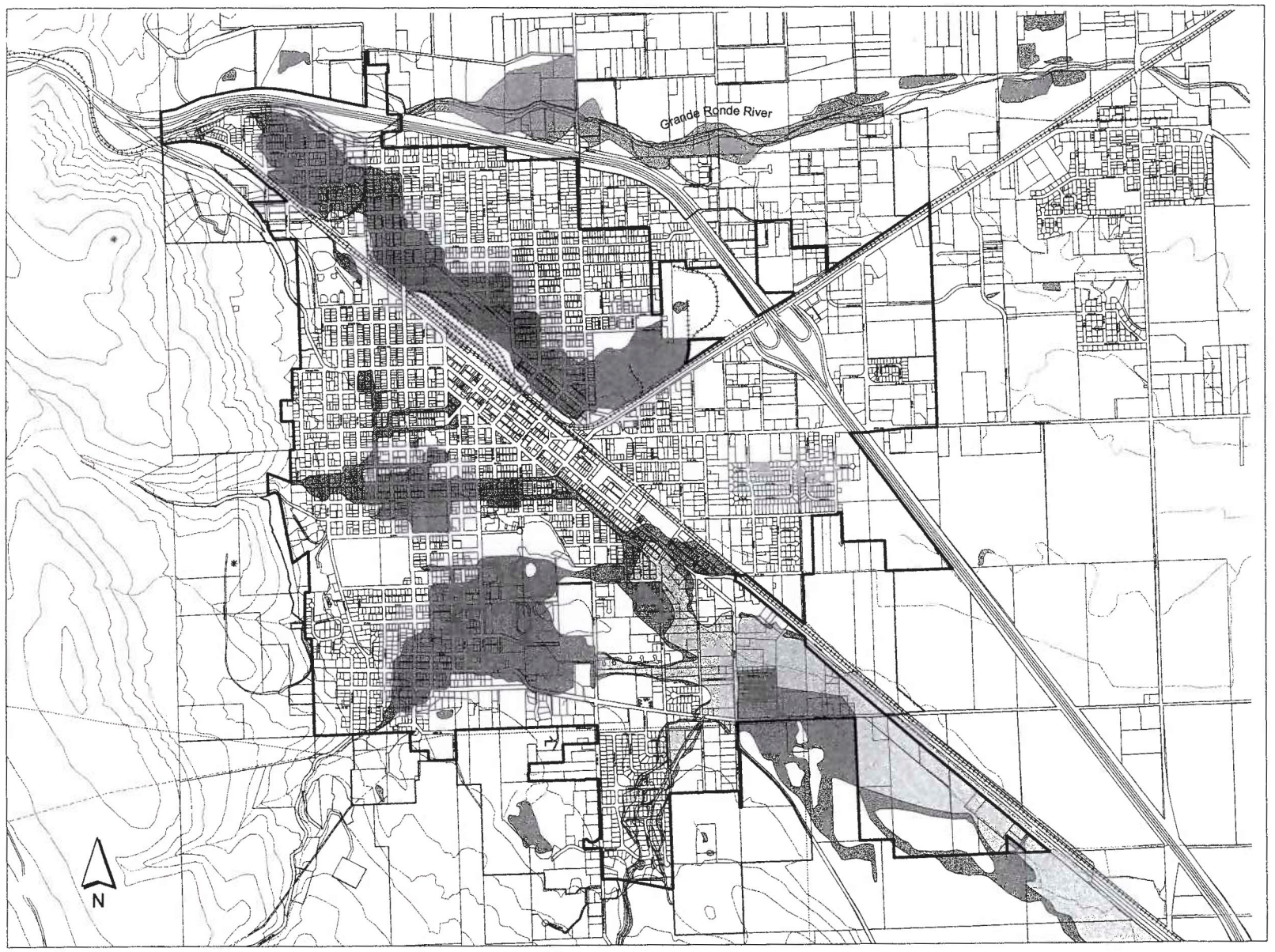
Local Wetlands Inventory Map

Wetlands Code Legend

WETLAND CODE	LOCATION	ACREAGE	STATE JURISDICTION	LOCALLY SIGNIFICANT WETLAND
BC-1,2,3,4	Boise Cascade Yard	1.70	No	No
BT-1	Big Taylor Creek, south of Highland Drive	0.67	Yes	Yes
BT-2	Big Taylor Creek, north of Highland Drive	0.14	Yes	Yes
DC-1	Deal Canyon	N/A	No	Stream, NA
GLD-1	Gekeler Lane Ditch	0.54	Yes	Yes
GRD-1,2	Grande Ronde Ditch	1.20	No	No
GRR-1	Grande Ronde River	N/A	Yes	River, NA
GS-1	Gekeler Slough	0.60	Yes	Yes
GS-2	Gekeler Slough	3.50	Yes	Yes
GST-1	Gekeler Slough Tributary	0.40	Yes	No
GST-2,3	Gekeler Slough Tributary	0.13	Yes	No
HP-1	Hoffman Park Pond	1.3	Yes	Yes
IC-2	Irrigation canal, downtown section	0.10	No	No
IC-3	Irrigation canal, north of RR tracks	0.20	No	No
ICT-1	Hillside seep below Gangloff Park	0.80	Yes	No
LT-1	Little Taylor Creek, west of Hillcrest	0.98	Yes	Yes
MC-1	Mill Creek, upper reach	0.30	Yes	Stream, NA
MC-2	Mill Creek, Avenue A to College	0.50	Yes	Stream, NA
MC-3	Bimie Park	0.50	Yes	Yes
MC-4	North of Gekeler at Matoon	0.05	Yes	Yes
MC-5	North of Gekeler, west of 12th	0.25	Yes	Yes
MC-7	North of Gekeler, 12th to 20th	0.60	Yes	Yes
MCT-1	Pond in southwest corner of city	0.50	Yes	Yes
MCT-2	Southeast of Oak Street	0.67	Yes	Yes
MS-1,2	McAllister Slough headwaters, west of I-84	0.85	Yes	No
SR-1	Spence Reservoir, end of Gilcrest Drive	9.00	Yes	Yes
SR-2	Above Spence Reservoir	13.2*	Yes	Yes
SR-3	Below and northeast of Spence Reservoir	N/A	Yes	Yes
SR-4	South of Gekeler near MC-4	N/A	Yes	Yes
SR-5	"Goss Pond" north of Spence Reservoir	1.30	Yes	Yes
SR-6	West of 12th Street, contiguous with SR-3	N/A	Yes	Yes
T-1	Taylor Creek, Sunnyhills Park	0.67	Yes	Yes
T-2	Spring south of Gekeler and west of 18th	0.02	Yes	No
T-3	Spring south of Gekeler and west of 18th	0.02	Yes	No
T-4	Upper "Grandview Pond"	0.20	No	No
T-5	Lower "Grandview Pond"	0.067	No	No
UP-1	Union Pacific RR Yard	0.02	No	No

Date: 062503
c:\av\boundaries

*13.2 acres includes SR-2, -3, -4 and -6



City of La Grande

Flood Plain Map

FEMA Legend

- AEFW — Floodway areas in Zone AE.
- AE — Base flood elevations determined.
- A0 — Flood depth of 1 to 3 feet.
- X — Areas of 500-year flood.
- A — No base flood elevation determined.

Legend

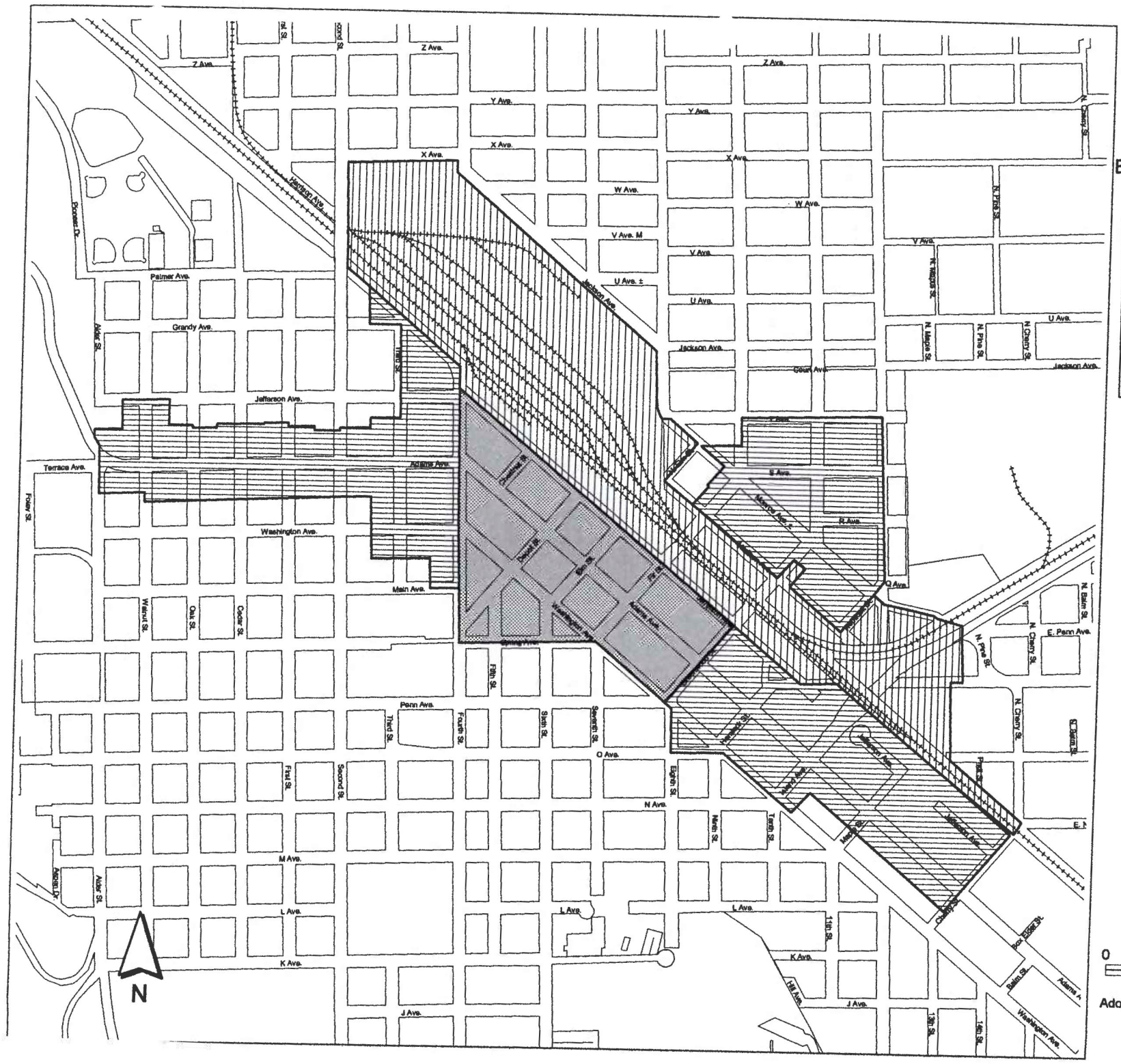
- City Limits
- UGB
- Powerline
- Pipeline
- Railroad
- Highways
- Contours
- River
- Ponds

0 2000 4000 Feet

Adopted by Ordinance Number 3047
Series 2006

City of La Grande

Exempt Off Street Parking



Exempt Parking

Exempt Parking

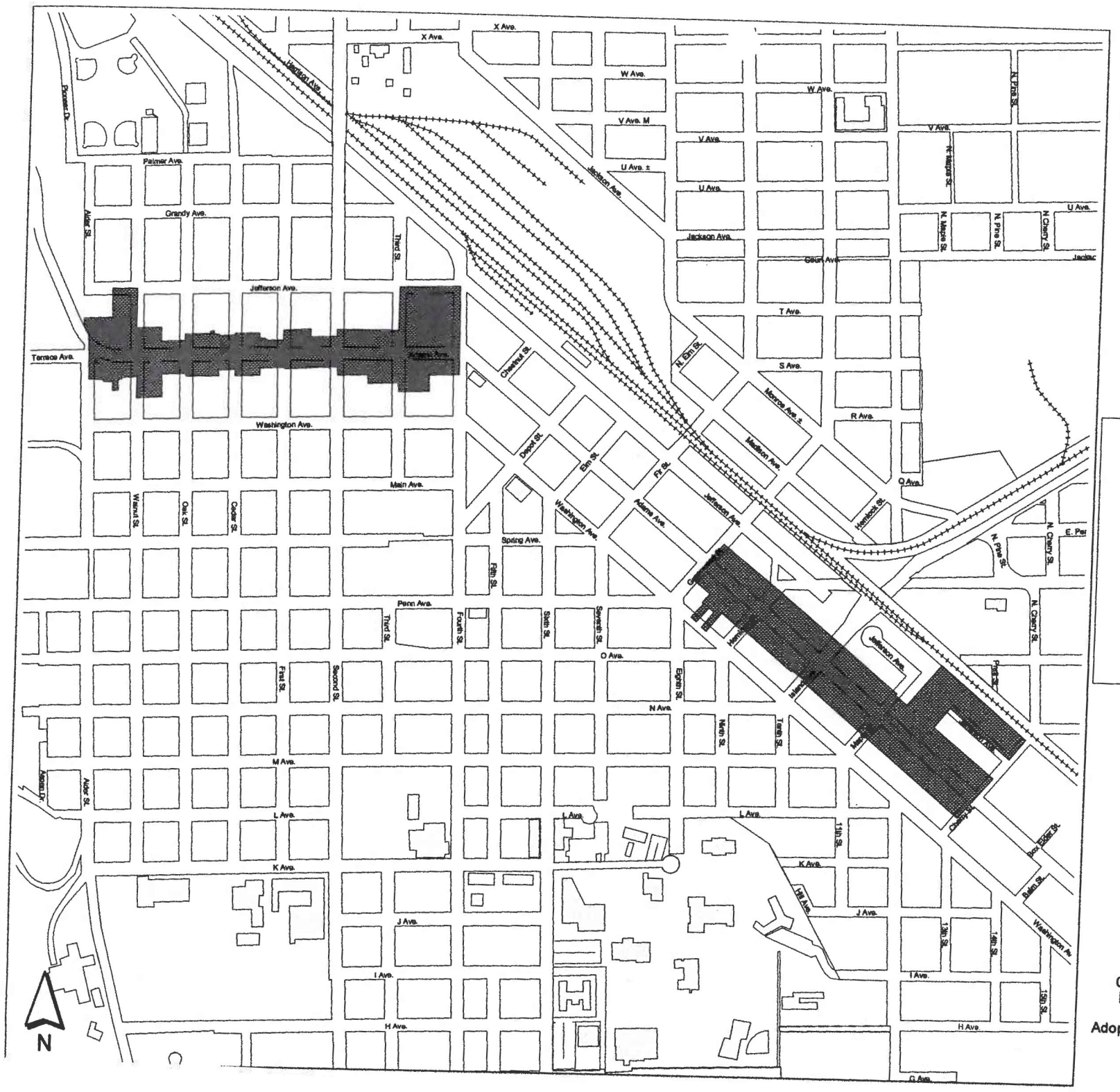
- Central Business
- General Commercial
- Light Industrial

0 500 1000 Feet

Adopted by Ordinance Number 3047
Series 2006

City of La Grande

Residential Use Overlay

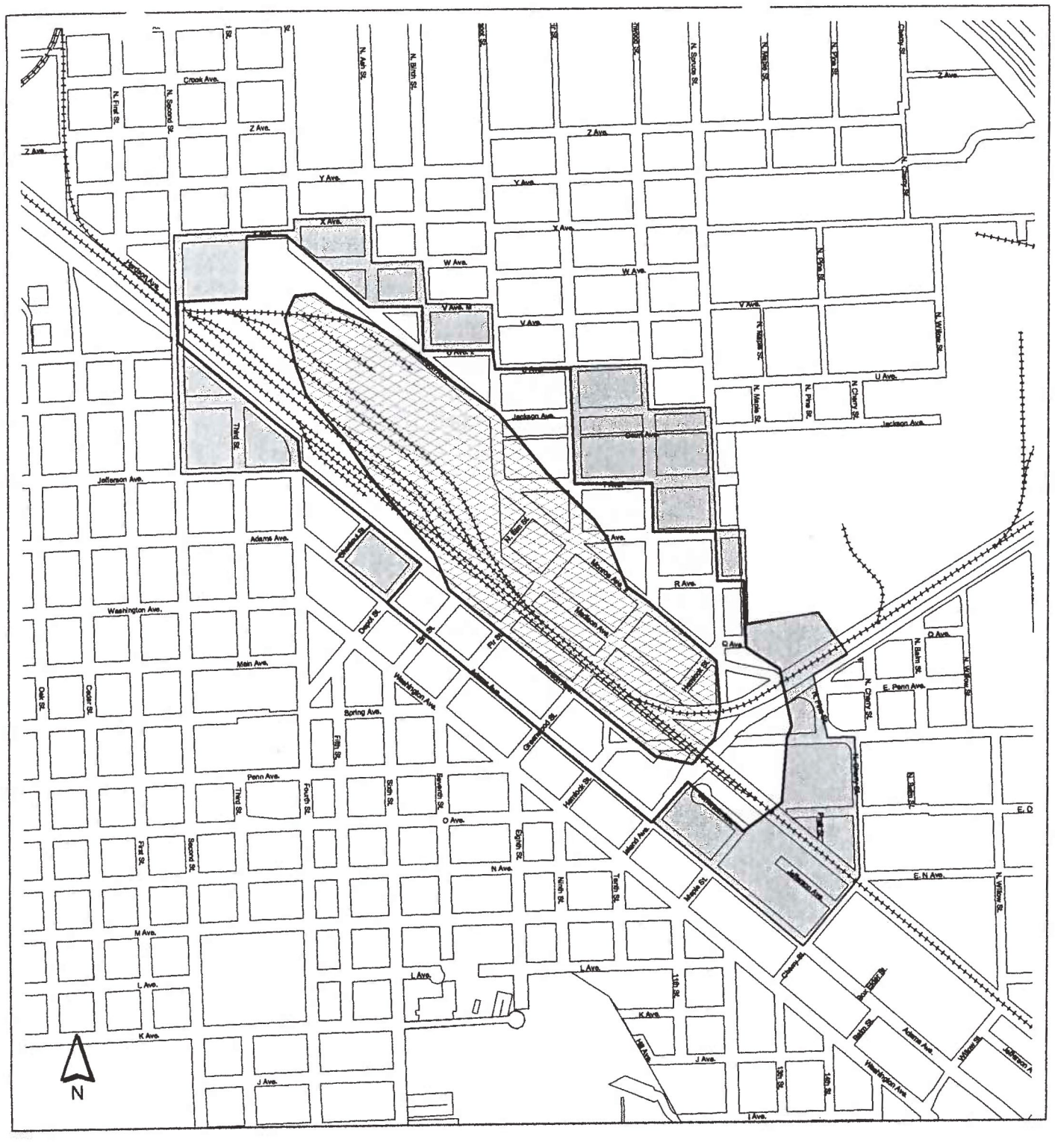


Legend

- Railroad
- Other Streets
- Highways
- City Blocks
- Overlay
- Buildings

0 500 1000 Feet

Adopted by Ordinance Number 3047
Series 2006



City of La Grande
Diesel Impact Area

Well Survey

This boundary refers to the area that DEQ sent questionaires to property owners regarding backyard wells.

Interim Locality of Facility

This boundary represents the maximum extent of potential migration of the diesel release based on existing data.

Extent of Residual Diesel Product

This boundary represents the area where residual diesel product is likely to be encountered if a borehole or excavation encounters the water table.

NOTE
All boundaries are approximate based on limited data, and should only be used as a guideline. Properties on the periphery may be only partially impacted; however, entire blocks are highlighted.

Boundary information provided by
Toby Scott, DEQ, September 2000

Adopted by Ordinance Number 3047
Series 2006

CHAPTER 1 - ENACTMENT AND PURPOSE

ARTICLE 1.1 - ENACTMENT

SECTION 1.1.001 - TITLE
This Ordinance shall be known as the Land Development Code of the City of La Grande.

SECTION 1.1.002 - PURPOSE
The purpose of the Land Development Code is to coordinate the City of La Grande regulations governing the use and development of land, and more specifically:

A. To implement the City of La Grande Comprehensive Plan and to guide and manage the future growth of the City in accordance with that plan.

B. To promote and to protect the public health, safety, and general welfare of the citizens of the City of La Grande.

C. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the City.

D. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

SECTION 1.1.003 - AUTHORITY
The Land Development Code is enacted pursuant to Oregon Revised Statutes.

SECTION 1.1.004 - REPLACEMENT OF OTHER ORDINANCES
This Land Development Code replaces or supersedes all previous Land Development Code Ordinances, Zoning Ordinances, Livestock Ordinances, and Subdivision Ordinances of the City of La Grande.

SECTION 1.1.005 - REPEALING CLAUSE
Ordinance Number 2877, Series 1995, Ordinance 2961, Series 2000, Ordinance Number 3006, Series 2003 and Ordinance Number 3014, Series 2003; and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed. In spite of the repeal of previous editions of the Land Development Code and amendments thereto, all actions taken under said previous editions of the Land Development Code shall remain in effect subject to their original conditions of approval.

ARTICLE 1.2 - DEFINITIONS

SECTION 1.2.001 - PURPOSE
The purpose of this Article is to define the terms and phrases of this Code which are technical, specialized, or may not reflect common usage. To carry out the purpose and intent of this Ordinance and alleviate any ambiguities, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this Code.

SECTION 1.2.002 - DEFINITIONS INCLUDED BY REFERENCE
As used in the Code, the following terms and phrases shall have the meaning as set forth herein.

"A"
ABUT OR ABUTTING - The same as adjoining.

ACCESS OR ACCESS WAY - The place, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to or from property or use.

ACCESSORY - A use or structure customarily incidental and subordinate to the principal use or structure on the same lot or parcel.

ACCESSORY RESIDENTIAL UNIT - An auxiliary and detached living unit with separate kitchen, living and sleeping facilities in a single family structure or in a separate accessory building on the same lot as a primarily single family residence. Because it is considered as an accessory use, this type of residential unit is not included in density calculations. (Please refer to standards set forth in Article 5.9.)

ADJACENT - Two (2) or more lots or parcels of land having a common boundary.

ADJOIN OR ADJOINING - Two (2) or more lots or parcels of land which are in direct contact at some point or property line.

ADVISORY AGENCY - The Planning Commission may serve in such capacity to the City Council on all matters designated by the City Council.

AGRICULTURAL SUPPLIES AND SERVICES - The Agricultural Supplies and Services use type refers to establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of feed grain, fertilizers, pesticides and similar goods as well as the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include feed and grain stores, crop dusting or tree service firms.

AIRPORT-HELIPORT - The Airport-Heliport use type refers to private and publicly operated commercial airports and heliports.

AISLE - An access way to required vehicular parking spaces within a private, public or semi-public parking lot.

ALLEY - A public or private right-of-way permanently reserved as a means of secondary vehicular access to the side or rear of properties abutting a street or highway.

ALTERATION - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure. [Ord. 2973, Feb. 7, 2001]

AMBULANCE SERVICES - The Ambulance Services use type refers to the transportation of ill or injured person to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

AMENDMENT - A change in the wording, context or substance of this Ordinance, or a change in the zoning maps, which are part of this Ordinance when adopted in the manner prescribed by law.

AMUSEMENT BUILDING - A commercial building or portion thereof, temporary or permanent, used for entertainment, recreation, or educational purposes, such as a bowling alley, arcade, or movie theater.

ANIMAL HOSPITAL - A place where animals or pets are given medical or surgical treatment and are cared for during the course of such treatment. A kennel shall be considered incidental to an animal hospital.

ANIMAL SALES AND SERVICES - The Animal Sales and Services use type refers to establishments or places of business primarily engaged in animal-related sales and services. The following are Animal Sales and Services use types:

A. Animal Sales and Services: Grooming - Grooming of dogs, cats and similar small animals. Typical uses include dogs bathing and clipping salons or pet grooming shops.

B. Animal Sales and Services: Horse Keeping - Boarding, breeding or raising of horses not owned by the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables, riding arenas and trails.

C. Animal Sales and Services: Kennels - Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog training centers, or breeding establishments.

D. Animal Sales and Services: Pet Sales/Shops – Sales of aquatic and small animals as well as the sales of animal-related supplies and services.

E. Animal Sales and Services: Veterinary, Large Animals - Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

F. Animal Sales and Services: Veterinary, Small Animals - Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals.

ANIMAL SHELTER - A place used for the temporary detention of stray or unlicensed animals having facilities for four (4) or more animals.

APARTMENT - Any building designed exclusively for occupancy by three (3) or more families and containing three (3) or more separate dwelling units. [Ord. 2973, Feb. 7, 2001]

APARTMENT HOUSE - A building or portion thereof used or containing three (3) or more dwelling units. (includes residential condominiums).

APPEAL - A request by an affected party for Planning Commission, City Council or Land Use Board of Appeals (LUBA) review of a land use decision. [Ord. 3006, Feb. 5, 2003]

ARCHITECTURAL FEATURE - Open-work fences, open-air grills, decorative facade which may or may not be attached to the main building, and may project there from. This does not include patios.

AREA - The total area of a parcel or tract of land.

AREA, NET - That area of a lot or parcel of land exclusive of:

A. Public alleys, highways or streets, unless otherwise provided herein; or

B. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project, unless otherwise provided herein.

AREA OF SHALLOW FLOODING - A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1' - 3'), a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD - The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always include the letters A or V.

ARTERIAL STREET - A street which provides primary access between large developed areas and which is designated in the La Grande/Island City Transportation System Plan.

ASSEMBLY BUILDING - A building or portion of a building used for the gathering together of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining or awaiting transportation.

AUTOMOBILE AND RV SALES LOT - An open area used for display sales or rental of new or used automobiles and recreational vehicles. As a secondary use, limited repairs, repainting or remodeling may be permitted.

AUTOMOBILE IMPOUND YARD - Facilities designated or maintained by a private business, governmental agency or the authorized agent thereof for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property.

AUTOMOBILE REPAIR GARAGE - A building used for servicing of motor vehicles, engine overhauling, or automobile upholstering.

AUTOMOBILE SERVICE STATION - The premises from which are offered for sale, gasoline from pumps, tires, tubes, batteries and lubricants and which may offer in addition, such related services as battery charging, tube and tire repair, non-mechanical auto washing, lubrication services, minor motor repairs, brake service, wheel alignment, sale of such items as fuels, cigarettes, candy, cold drinks, the rental of

trailers, cars or trucks from the premises where such areas are properly designated for the storage of such vehicles. The operation of an automobile service station may include major motor vehicle overhaul, however, it will not include body and fender work, painting, welding, tire recapping, auto dismantling, and the sale of two (2) or more trailers, cars, trucks and boats from the premises within one (1) year.

AUTOMOTIVE AND EQUIPMENT - The Automotive and Equipment use type refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales and services. The following are automotive and equipment use types:

A. Automotive and Equipment: Automotive Wrecking Yard - Any property where two (2) or more vehicles not in running condition or parts thereof are: wrecked, dismantled, disassembled, or substantially altered for sale or not for sale, and not enclosed; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for two (2) motor vehicles or parts thereof for a period exceeding three (3) months. Automobile wrecking yard shall not be construed to mean scrap yard junk or salvage and not include the incidental storage of inoperative or disabled vehicles in connection with the operation of an automobile repair garages, automobile body and fender repair shop or automobile impound yard. Automobile wrecking yards must be licensed by both the State Motor Vehicle Department and the City Uniform Fire Code.

B. Automotive and Equipment: Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries, auto detailing, or car washes.

C. Automotive and Equipment: Fleet Storage - Fleet storage of vehicles used regularly in business operations and not available for sale or long-term storage. Typical uses include taxi fleets, mobile catering truck storage or auto storage garages.

D. Automotive and Equipment: Parking - Parking of motor vehicles on temporary basis within a privately owned off-street parking with or without a fee. Typical uses include commercial parking lots of garages.

E. Automotive and Equipment: Repairs, Heavy Equipment - Repairs of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc., as well as the sale, installation and servicing of automobile equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.

F. Automotive and Equipment: Repairs, Light Equipment - Repair of automobiles and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages or auto glass shops.

G. Automotive and Equipment: Sales/Rentals, Farm Equipment - Sales, retail or wholesale and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.

H. Automotive and Equipment: Sales/Rentals, Heavy Equipment - Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.

I. Automotive and Equipment: Sales/Rentals, Light Equipment - Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.

J. Automotive and Equipment: Storage, Nonoperating Vehicles - Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-aways or impoundment yards.

"B"

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

BASEMENT - Any area of the building having its floor subgrade (below ground level). [Ord. 3047, July 12, 2006]

BATCH PLANT, CONCRETE OR ASPHALT - Means the storage, preparation and manufacturing of Portland Cement concrete or asphaltic cement concrete including customary equipment and accessory buildings. Also called a redi-mix plant or hot mix plant.

BED AND BREAKFAST INN - A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or a weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The Bed and Breakfast Establishment has no more than five guest sleeping rooms provided on a daily or weekly basis for the use of no more than a total of ten (10) travelers or transients at any one time.

BILLBOARD - Off premise advertising sign.

BLOCK - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

BOARDING HOUSE - A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for six (6) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

BODY AND FENDER SHOP - A building used for the repair of motor vehicles including reforming of parts of the vehicle body, replacing fenders, doors, windows, upholstery, wheels, bumpers, radiators, headlights, etc., painting or repainting, aligning or realigning of component parts and such other work to cause such motor vehicles to be operable in accordance with the Vehicle Code of the State of Oregon.

BREEZEWAY - A roofed passageway, the design and construction of which is in keeping with that of the main building and which provides direct access between a main and detached accessory building. and shall comply with all requirements of accessory buildings. Such breezeways shall be not more than six feet (6') in width and six feet (6') in length, such dimensions shall be exclusive of eaves or overhangs. [Ord. 2973, Feb. 7, 2001]

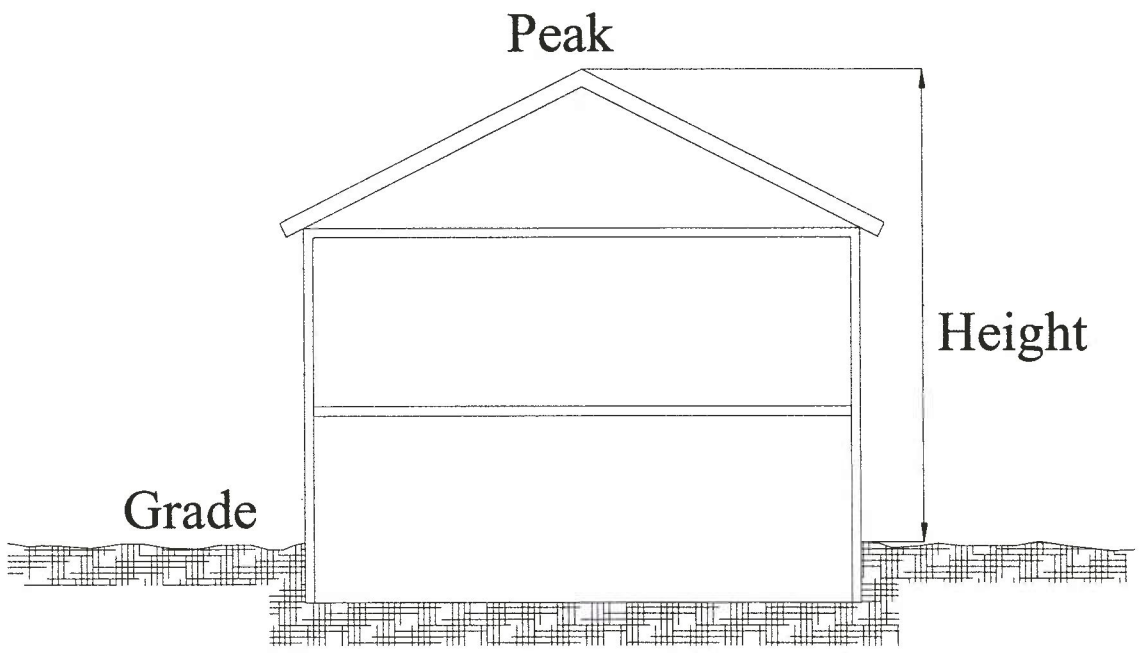
BUFFER ZONE - A parcel of land or area that separates contiguous properties or zones which is utilized to reduce adverse impacts such as noise, dust, smoke, or visual blight, to the property or zone that is being adversely impacted.

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

BUILDING, ACCESSORY - A detached subordinate building, the use of which is customarily incidental to that of the main building or to the principal use of the land in which it is located on the same lot or parcel of land with the main building or principal use of the land. A building attached to the main building by a structural feature, such as a Breezeway, that does not contain a foundation, walls and a roof shall be considered, for purposes of this Code, to be a detached Accessory Building. [Ord. 2973, Feb. 7, 2001]

BUILDING, MAIN - A building in which is conducted a principal use of the lot or parcel of land upon which it is situated.

BUILDING HEIGHT - The vertical distance from the "grade" to the highest point of the structure.



BUILDING LINE - A line on a plat indicating the limit beyond which buildings or other structures may not be erected.

BUILDING MAINTENANCE SERVICES - The Building Maintenance Services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than those to individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

BUILDING SETBACK LINE - The minimum distance required between the property line of a lot or parcel of land and any point of a building or structure related hereto, exclusive of those architectural features permitted to extend into yards or open spaces.

BUILDING SITE, LOT, OR PARCEL - A lot or parcel of land occupied or intended to be occupied by a principal use and/or building permitted by this Ordinance and includes the property size, dimensions, open space and off-street parking required for such site. Each building site shall abut a State, or County

highway, a City street, or an easement with a private road conforming to the standards of the City of La Grande. Lots or parcels with proper area and size for more than one (1) building site, but under one (1) ownership, shall be considered as only one (1) site until a separate lot or parcel is legally created from the original site and recorded in the County Clerk's office.

BUSINESS EQUIPMENT SALES AND SERVICES - The Business Equipment Sales and Services use type refers to establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine shops or hotel equipment and supply firms.

BUSINESS SUPPORT SERVICES - The Business Support Services use type refers to establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than to individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

"C"

CAMPING TRAILER - Means a vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. [Ord. 2989, Dec. 5, 2001]

CANAL OR DRAINAGE CHANNEL - Any existing or proposed open ditch, culvert or channel created, designed or constructed to transmit water for irrigation, drainage, or flood control purposes.

CARETAKER'S RESIDENCE – A dwelling unit used as an accessory use to businesses for the purpose of providing essential security or essential operations on a twenty-four (24) hour basis. See Section 3.14.002 for standards. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]

CARPORT - A permanently roofed structure with not more than two (2) enclosed sides, used or intended to be used for automobile shelter and storage belonging to the occupant of the property.

CELLAR - See BASEMENT.

CEMETERY - Land used or intended to be used for the burial or interment of the deceased and dedicated for cemetery purposes. Cemetery includes columbaria, crematories and mausoleums and may include mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery.

CENTER LINE - The center line of a right-of-way.

CERTIFICATE OF APPROPRIATENESS - A certificate issued by the Landmarks Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a Historic District. [Ord. 2973, Feb. 7, 2001]

CERTIFICATE OF ECONOMIC HARDSHIP - A certificate issued by the Landmarks Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied. [Ord. 2973, Feb. 7, 2001]

CITY - The City of La Grande, Oregon.

CITY COUNCIL - The City Council of the City of La Grande, Oregon.

CITY OFFICIAL - An authorized representative within the department or division who is appointed by the La Grande City Manager.

CIVIC ADMINISTRATIVE SERVICES - The Civic Administrative Services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary equipment and vehicles.

CLEAR VISION AREA OR SIGHT TRIANGLE - A triangular shaped area at the intersection of two (2) public rights-of-way or a public right-of-way and a private driveway, in which no obstruction to clear vision may be placed or maintained. See Section 5.6.002 for standards. [Ord. 2973, Feb. 7, 2001]

CLINIC SERVICES - The Clinic Services use type refers to providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

CLUB - Any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

CODE - Regulation set by Federal, State, County, or City government as it pertains to subject, i.e., Uniform Building Code, Uniform Fire Code, Land Development Code, etc.

COLLECTOR STREET - A street which connects individual land uses with an arterial street.

COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry") of an article, substance, commodity or service for livelihood or profit, including, motels, public garages, office buildings, offices of doctors or other professionals, outdoor advertising signs and/or structures, public stables, recreation and amusement enterprises, places where commodities or services are sold or offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMERCIAL ADMINISTRATIVE AND PROFESSIONAL SERVICES - The Commercial Administrative and Professional Services use type refers to offices of private firms or organizations which are primarily used for professional, executive, management or administrative services. Typical uses include administrative offices, legal offices, architectural, engineering, surveying, or consulting firms.

COMMISSION OR PLANNING COMMISSION - The Planning Commission of the City of La Grande, Oregon.

COMMUNICATION EQUIPMENT BUILDING - The building housing operating mechanical or electronic switching equipment of a telephone or similar communication system and personnel necessary for operation of such equipment.

COMMUNICATIONS SERVICES - The Communications Services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Extensive Impact Services and Utilities. Typical uses include television studios, radio stations, telecommunication service centers or telegraph service offices.

COMMUNITY EDUCATION - The Community Education use type refers to education services provided by public, private, and parochial elementary, junior high and senior high school, junior colleges, colleges, universities, and trade schools.

COMMUNITY RECREATION - The Community Recreation use type refers to recreational, social or multi-purpose uses within buildings, owned and operated by a governmental agency or a non-profit community organization.

COMPONENT - A building subassembly such as a wall, floor or roof panel, plumbing wall, electrical service wall, refrigerator panels or similar subassemblies.

COMPREHENSIVE PLAN - The Comprehensive Plan of City of La Grande, Oregon, which is a plan adopted by the City Council as a guide to the growth and improvement of the City including modifications, refinements and amendments which may be made from time to time.

CONCERT - A public performance.

CONDITIONAL USE PERMIT - A Conditional Use Permit is a discretionary permit issued after Planning Commission review through a public hearings process. Specific Conditional Uses are listed in most land use zones in the City and are considered to have impacts beyond immediate property. Therefore, at the discretion of the Planning Commission, conditions may be placed upon the use to mitigate those impacts or the proposed Conditional Use Permit may be denied.

CONDOMINIUM - Real estate property consisting of an individual interest in common in a portion of real property together with a separate interest in space for residential, commercial, industrial or other purposes. A condominium may include, in addition, a separate interest in other portions of such real property.

CONGREGATE RESIDENCE - Any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the Uniform Building Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

CONSTRUCTION - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property. [Ord. 2973, Feb. 7, 2001]

CONSTRUCTION, ACTUAL - The actual placing of construction materials in their permanent position, fastened in a permanent manner, except where a basement is being excavated, or where demolishing or

removal of an existing building or structure has been started preparatory to rebuilding, providing in all cases the actual construction work be carried out diligently until completion of the building or structure involved.

CONSTRUCTION OFFICE - A trailer that is eight feet (8') or less in width and of any length, used for commercial or business purposes temporarily on a construction site for office purposes only.

CONSTRUCTION SALES AND SERVICES - The Construction Sales and Services use type refers to establishments or places of business primarily engaged in construction activities and storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Heavy Equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

CONTIGUOUS - Two (2) or more lots or parcels of land which are in direct contact along a portion of a common property line or separated only by a public street.

CONTRIBUTORY BUILDING OR SITE - A building or site which individually may lack the necessary historical or architectural significance to merit designation as a historic landmark, but which, because it is either a part of a group nomination or Historic District, does still contribute to the overall character of the group or District and should be protected. [Ord. 2973, Feb. 7, 2001]

CONVALESCENT HOME - See NURSING HOME.

CONVENIENCE STORE - A building or group of buildings for commercial retail use and Motor Vehicle Fuel-Dispensing Station, with sales within and outside of the building.

CORNER LOT - See LOT, CORNER.

COUNCIL – The La Grande City Council. [Ord. 2973, Feb. 7, 2001]

COURT - A space, open and unobstructed to the sky, located at or above grade level, on a lot and bounded on three or more sides by walls of a building.

COVERAGE - That portion of a lot or building site which is occupied by any building or structure, regardless of whether said building or structure is intended for human occupancy.

CUL-DE-SAC - A street with one end open to traffic and terminated at the other end by a vehicle turnaround.

CULTURAL EXHIBITS AND LIBRARY SERVICES - The Cultural Exhibits and Library Services use type refers to non-profit, museum-like preservation and exhibition or works of art or library collection of books, manuscripts, etc., for study and reading.

CUSTOM MANUFACTURING - The Custom Manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools, domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacture.

"D"

DAY NURSERY - A facility, other than a single-family dwelling, providing care, nurturing, and/or education of preschool and school age children. [Ord. 2973, Feb. 7, 2001]

DEDICATION - An act of dedicating to a certain use or the setting aside for a particular purpose.

DEMOLITION - Any act or process that destroys in part or in whole a historic site, landmark, or a structure within a Historic District. [Ord. 2973, Feb. 7, 2001]

DENSITY, GROSS – A number, expressed in dwelling units per acre, arrived at by dividing the total acreage of a given parcel by the number of dwelling units per acre allowed for the given parcel as set forth in the given zone. [Ord. 2973, Feb. 7, 2001]

DENSITY, NET – A number, expressed in dwelling units per acre, arrived at by dividing the total acreage of a given parcel, minus the acreage of lands needed for public facilities, by the number of dwelling units per acre allowed for the given parcel as set forth in the given zone. If the amount of land needed for public facilities is unknown, a factor of twenty percent (20%) shall be used. [Ord. 2973, Feb. 7, 2001]

DESIGN GUIDELINE - A standard of appropriate activity that will preserve the historic and architectural character of a structure or site. [Ord. 2973, Feb. 7, 2001]

DESIGNATION - The legal listing of a site, structure, building, natural feature, or district, as a historic site or landmark pursuant to this Article. [Ord. 2973, Feb. 7, 2001]

DEVELOPER - An entity who proposes to, or does develop the land, whether it be for public or private purposes.

DEVELOPMENT - Any division of land through partitioning or subdivision. The carrying out of any construction, the making of any material change in the use or appearance of any structure or land, or a change in the intensity or type of the use, or materials located within the area of special flood hazard.

DEVELOPMENT REVIEW COMMITTEE – An informal committee consisting of City Department and Division representatives, utility representatives, government agency representatives and others who have expressed an interest in receiving and reviewing development plans. [Ord. 2973, Feb. 7, 2001]

DIRECTOR - A person appointed by the City Manager who is the director of a department or division with the City of La Grande.

DISPOSAL SITE - An authorized transfer site.

DOMESTIC ANIMAL - Any animal that is commonly held as a household pet by a person, other than livestock, poultry, or exotic animals.

DRAINAGE, STORM DRAINS, STORM WATER CHANNELS - An existing, or proposed open ditch, culvert or open channel created, designed or constructed to transmit water for flood control or irrigation purposes.

DRIVEWAY - An access to required off-street parking from a public street or alley.

DWELLING, ONE-FAMILY - Any building designed exclusively for occupancy by one (1) family and containing one (1) dwelling unit.

DWELLING, TWO-FAMILY (DUPLEX) - Any building designed exclusively for occupancy by two (2) families and containing two (2) separate dwelling units.

DWELLING UNIT - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the UBC, for not more than one (1) family.

DWELLING UNIT, EFFICIENCY - A dwelling unit having a living room of not less than two hundred (200) square feet nor more than five hundred (500) square feet of superficial floor area and shall be provided with a separate closet, a kitchen sink, cooking appliance and refrigeration facilities, each having clear working space of not less than thirty inches (30") in front. The dwelling unit shall be provided with a separate bathroom containing a water closet, lavatory, bathtub or shower.

"E"

EASEMENT - A grant of the right to use a portion of land for specific purposes.

EATING AND DRINKING ESTABLISHMENTS - The Eating and Drinking Establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical use includes restaurants, short-order eating places, bars, or micro brewery.

EDUCATIONAL INSTITUTION - Public, parochial and other nonprofit institutions conducting regular academic instructions at kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities and nonprofit research institutions. Such institutions must either offer general academic instruction equivalent to standards prescribed by the State Board of Education or confer degrees as a college or university or undergraduate or graduate standing, or conduct research. Educational institution does not include schools, academies or institutions, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools. Educational institution may include, but not be limited to, classrooms, athletic fields, gymnasiums, parking, observatories, etc.

ELECTRICAL GENERATION FACILITY - Hydro, solar, thermal, wind, or biomass electrical generation facility.

EMERGENCY SITUATIONS - Any unforeseen circumstances or combination of circumstances, which calls for immediate action by the Commission, in order to obtain Building and Demolition Permits to remedy a damaging, dangerous, unhealthy, or otherwise adverse situation to a nominated or designated historic landmark. [Ord. 2973, Feb. 7, 2001]

ERECT - To build, construct, attach, hang, place, suspend, or fix.

ESSENTIAL SERVICES - Essential services mean those public and semi-public utilities necessary to provide basic urban infrastructure to the community. Includes the services which are necessary to support principal development involving only minor structure such as pipelines, power lines, distribution feeders, and poles which are necessary to support principal development.

The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures such as streets, roads, alleys, public right-of-ways, pipelines, power lines, distribution feeders, and poles which are necessary to support principal development.

EXEMPT OFF-STREET PARKING DISTRICT – An area within the City of La Grande, depicted on a map adopted as part of the Code, in which no off-street parking or loading is required. [Ord. 2973, Feb. 7, 2001]

EXOTIC ANIMALS - Any lion, tiger, leopard, cheetah, ocelot, or any other cat not indigenous to Oregon, except the species felis catus (domestic cat). Any monkey, ape, gorilla or other nonhuman primate. Any wolf or any canine not indigenous to Oregon, except the species canis familiaris (domestic dog) any bear, except the black bear (ursus americanus), and any snake.

EXPLOSIVES - Any explosive substance having a power equal to or greater than that of ordinary black powder, including, but not limited to, blasting caps detonating, fulminating, or electric caps, gunpowder and dynamite, but shall not include fixed ammunition for small arms. A chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperatures; or a material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect and is regulated by Article 6.8 of the Uniform Fire Code.

EXTENSIVE IMPACT SERVICES AND UTILITIES - The Extensive Impact Services and Utilities are type refers to public services and utilities which have substantial impact on surrounding land uses. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community-wide interest. Typical places or uses are sanitary landfills, airports, detention and correction institutions, fairgrounds, public safety buildings, parks, public sports arenas, golf courses, vehicular raceways, microwave relay stations, or other communication structures, electrical transmission lines, substations, and electrical generation facilities.

"F"

FAMILY - An individual or two (2) or more persons related by blood, marriage or adoption, living together in a dwelling unit, which may also provide meals or lodging for not more than four (4) additional persons living in the same dwelling unit; or a group of not more than five (5) persons who need not be related by blood or marriage living together in a dwelling unit. Family shall include two (2) or more handicapped persons, as defined in the Fair Housing Act of 1988, living as a single housekeeping unit.

FAMILY DAY CARE PROVIDER – A day care provider which accommodates fewer than thirteen (13) children, including the children of the provider, in the provider's home and is considered by Oregon law to be a residential use. [Ord. 3006, Feb. 5, 2003]

FAMILY RESIDENTIAL - The Family Residential use type refers to the residential occupancy of dwelling, by families on a weekly or longer basis. Typical uses include occupancy of single-family residences, duplexes, apartments, condominiums, planned unit developments, manufactured homes, and manufactured home parks.

FARM - Land used for the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops or by the feeding, breeding, management and sale of, or produce of, livestock, poultry,

fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of products raised on such farm for human use and animal use and disposal by marketing or otherwise.

FARM AGRICULTURAL BUILDING - A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of product raised on such farm for human use and animal use and disposal by marketing or otherwise.

A "farm agricultural building" does not include:

A. A dwelling.

B. A structure used for a purpose other than growing plants in which ten or more persons are present at any one time.

C. A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.

D. A structure subject to Sections 4001 through 4127, Title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

FEDERAL GOVERNMENT - The Government of the United States.

FENCE - Any structure consisting of posts, rails and a physical barrier of lumber, vinyl, wire, wire mesh, masonry or other material approved by the Community Development Director/Planner, which is so constructed to be impenetrable to persons and animals, or mark a boundary. Fences constructed in a manner to prevent clear vision through the fence are considered "sight obscuring fences." Fences constructed in a manner that allows for clear vision through the fence are considered "non-sight obscuring fences." Such determinations shall be made by the Community Development Director/Planner. [Ord. 2973, Feb. 7, 2001]

FINAL SUBDIVISION - The plat of a plan, dedication, or any portions thereof, approved and prepared for filing for record with the County Clerk, and containing those elements and requirements as set forth in this Ordinance, and as required by ORS.

FINANCIAL, INSURANCE AND REAL ESTATE SERVICES - The Financial, Insurance and Real Estate Services use type refers to establishments primarily engaged in the provision of financial insurance, real estate or securities brokerage services. Typical use includes banks, insurance agencies, real estate appraisal, or real estate firms.

FIRE LANE - All fire apparatus access roads required by Sections 901 and 902 of the Oregon Uniform Fire Code, and all private streets shall be declared fire lanes.

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

A. The overflow of inland or tidal waters and/or,

B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD ELEVATION STUDY - An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - See FLOOD ELEVATION STUDY

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

FLOOR, LOWEST - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design construction.

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

FOOD AND BEVERAGE RETAIL SALES - The Food and Beverage Retail Sales use type refers to establishments or places of business primarily engaged in the retail sales of food and beverages for home consumption. Typical uses include groceries, liquor stores, micro brewery, retail sales, or delicatessens.

FREEWAY - A four lane interstate highway.

FRONTAGE - All that portion and extent of property along or abutting one or more roads, streets, way, or dedicated street rights-of-way.

FUNERAL AND INTERMENT SERVICES - The Funeral and Interment Services use type refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. The following are Funeral and Interment Services use types:

A. Funeral and Interment Services: Cremating - Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories or crematoriums.

B. Funeral and Interment Services: Interring - Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums, mausoleums, or cinerariums.

C. Funeral and Interment Services: Undertaking - Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

FUTURE STREET PLAN - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but present dedication and/or construction of such street is not warranted.

"G"

GARAGE, PRIVATE - A building or a portion of a building in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GARAGE, PUBLIC OR COMMERCIAL - Any garage other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

GARAGE OR YARD SALES – Sales of new or used goods from a residential zone or a residential use in a non-residential zone, limited to a maximum of six (6) events per year and no more than four (4) days in any two (2) week period.

GASOLINE SALES - The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries and replacement items, lubricating services and minor repair services. Gasoline sales must comply with UFC requirements for Class I and II flammable liquids in above ground tanks, and the storage of liquefied petroleum gas to those areas zoned IC, M-1, and M-2. Typical uses include automobile service stations, filling stations or truck stops.

GENERAL INDUSTRIAL - The General Industrial use type refers to industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and property, cabinet shops, textiles, and metal fabrication.

GEOLOGICAL HAZARDS - Areas which have high "ground water"; steep slopes where basalt is interbedded with tuff and in those areas of colluvium slopes subject to instability.

GEOTHERMAL PROCESS USE - Use of a geothermal resource as a source of heat and/or energy which constitutes a fundamental and significant part of an industrial or commercial operation or residential need.

GEOTHERMAL RESOURCE - Fluid, steam or dry heat, generally at a temperature sufficient for space heating (55 degrees Fahrenheit) or as defined by ORS 523.015.

GRADE - The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building. For the purpose of determining Building Height, the average of the grades on all four (4) sides of a building shall be used in determining the grade. [Ord. 2989, Dec. 5, 2001]

GRADE, FINISHED - The finished grade or elevation of the ground or surface as measured from the ground level to the finished grade of the sidewalk, curb, street, or foundation.

GREENHOUSE - A building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants and shall be classified as a building in determining lot coverage.

GROUP CARE RESIDENTIAL - The Group Care Residential use type refers to services provided in residential facilities or in facilities authorized to provide day care services. Typical uses include halfway houses, intermediate care facilities, day nurseries, nursing homes, convalescent hospitals, foster care homes, family day care provider, residential facility, residential home, and rest homes. The Group Care residential use type does not include hospitals, prisons, or other extensive impact services.

GROUP RESIDENTIAL - The Group Residential use type refers to the residential occupancy of dwelling units by groups of more than five persons who are not related by blood, marriage or adoption, on a weekly or longer basis. Typical uses include occupancy of sorority houses, retirement homes or boarding houses.

GUEST HOUSE - Living quarters within an accessory building located on the same premises with a main building and occupied solely by members of the family or temporary guests. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit and shall be classified as a building in determining lot coverage.

GUEST ROOM - Any room or rooms used or intended to be used by a guest for sleeping purposes. Every fifty (50) square feet of superficial floor area in a dormitory shall be considered to be a guest room.

"H"

HALF STREET - A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street has been, or could later be provided by another subdivision.

HAZARDOUS OR DANGEROUS BUILDING - A building that has been determined by the Building Official to be structurally unsound or unsafe to the general public in accordance with the provisions of Section 203 of the Uniform Building Code. [Ord. 2973, Feb. 7, 2001]

HEALTH STUDIO OR SALON - A studio or salon providing facilities and services to aid in personal health pursuits.

HEAVY INDUSTRIAL - The Heavy Industrial use type refers to all other industrial plants such as processing of raw materials, and tannery.

HEDGE - Trees, shrubs, or other vegetation so arranged to form a physical barrier or enclosure.

HEIGHT - See Building Height.

HELIPORT - An area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HIGHWAY - As used in this Ordinance, shall include a parkway, major or secondary highway or freeway.

HISTORIC DISTRICT - An area of defined geographic boundaries which may contain one or more historic sites or landmarks, and which may have within its boundaries other properties that, while not of such historic or architectural significance to be designated as landmarks or historic sites, nevertheless contribute to the overall visual characteristics and integrity of the significant properties within the district. [Ord. 2973, Feb. 7, 2001]

HISTORIC SITE - Any district, building, structure, object, or site formally designated to the La Grande List of Historic Sites pursuant to procedures prescribed herein. [Ord. 2973, Feb. 7, 2001]

HISTORIC STRUCTURE - A structure within the City of La Grande and its Urban Growth Area which has historical significance, and is registered with Federal, State, or City registries.

HOME OCCUPATION - An occupation or enterprise carried on within a dwelling for financial gain or support by a member or members of the immediate family residing within the dwelling. [Ord. 3006, Feb. 5, 2003]

HOSPITAL - An institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitarium, sanatorium and institutions for the cure of chronic drug addicts and mental patients.

HOTEL - Any building or portion of any building with access provided through a common entrance, lobby or hallway to six (6) or more guest rooms, having no cooking facilities, and which rooms are designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guest.

HOUSEHOLD PET - Any domesticated animal commonly maintained in residence with humans.

"I"

IMPROVEMENTS - Physical facilities and infrastructure, including but not limited to curbs, gutters, sidewalks, street lights, street signs, roadbed, road surface, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and underground utilities.

INCIDENTAL USE - The use which may occur on a lot or parcel in conjunction with the primary use of the property but which is clearly incidental and subordinate to the primary use of the property.

INDUSTRY - The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof, in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck terminals and the like, warehouse, wholesale storage and other similar types of endeavors.

INTENSIVE LEVEL SURVEY - Detailed historic research and documentation of the structure's significance, including information on previous owners, the builder, and or architect; significant events that may have taken place on the property; a detailed description of the building and site, including the form and style of the building, distinctive architectural features, exterior materials, and a description of any additions or changes that may have altered the original character of the structure. [Ord. 2973, Feb. 7, 2001]

"J"

JUNK - Any old or scrap aluminum, copper, brass, rope, rags, batteries, paper, trash, rubber, tires, debris, waste; or junked, dismantled, wrecked, unlicensed, scrapped or ruined motor vehicles, or motor vehicle parts and machinery, iron, steel or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials, glass, wood, appliances and similar materials. Junk shall also include the baling of cardboard, cardboard boxes, paper and paper cartons and any other discarded materials. [Ord. 2989, Dec. 5, 2001]

JUNK YARD - Any establishment or place of business or residence where there is accumulated on the premises three (3) or more inoperable motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities. Junk yards along State highways are regulated by the State. [Ord. 2989, Dec. 5, 2001]

"K"

KENNEL - Any lot or premises maintained for the primary purpose of boarding, breeding, raising or training of four (4) or more cats, dogs, or other animals at least four (4) months of age for a fee, or for sale. This definition does not include the incidental or accessory use of a property for animal breeding, provided that a Home Occupation Permit is obtained pursuant to Article 8.11 of this Ordinance. [Ord. 3006, Feb. 5, 2003]

KITCHEN - Any space within a building designed, intended to be used, or used for cooking or preparation of food.

"L"

LANDMARK - Any property or structure formally designated to the La Grande Landmarks Register pursuant to procedures prescribed herein. [Ord. 2973, Feb. 7, 2001]

LANDMARKS COMMISSION - The La Grande Landmarks Commission. [Ord. 2973, Feb. 7, 2001]

LANDSCAPING - The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock, stone, and structural features, including but not limited to foundations, reflecting pools, art works, screens, walls, fences and benches.

LAUNDRY SERVICES - The Laundry Services use type refers to establishments primarily engaged in the provision of laundering, dry cleaning or dying services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services.

LEGAL DESCRIPTION - A method by which the outer boundaries of the building site or premises and all applicable easements, restrictions, or covenants are described or established by reference to established points, monuments, etc.

LEGISLATIVE - A term applied to the action of public officials who determine what the law shall be for the regulation of future issues falling under its provisions. This is to be distinguished from a judicial act, which is a determination of what the law is in relation to some existing issue(s).

LIVESTOCK - Horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches. As per ORS 596.020 the breeding, raising, producing in captivity, and marketing of foxes, mink, chinchilla, rabbit or caracul is an agricultural pursuit. All such animals raised in captivity are domestic fur-bearing animals within the meaning of ORS 596.010.

LOADING SPACE - An area, other than a street or alley, on the same lot with a building or group of buildings, which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LODGING HOUSE - Any building or portion thereof, containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

LOT - A unit of land that is created by a subdivision of land, except that when used in conjunction with other terms, such as "lot area" or "lot depth". Lot may refer to both a parcel as well as a lot as defined here.

LOT, CORNER - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty-five degrees (135°).

LOT, FLAG - A lot that is mostly separated from a street by other lots but that has a long, narrow extension (e.g., flag pole) that reaches to the street. Also called a panhandle lot. Results in an inefficient design, wasting land, delaying or precluding development of public roads, and generally not recommended.

LOT, INTERIOR - A lot or parcel of land other than a corner lot.

LOT, ISLAND OR LAND LOCKED - A parcel or lot which is completely surrounded on all four (4) sides by another lot or parcel.

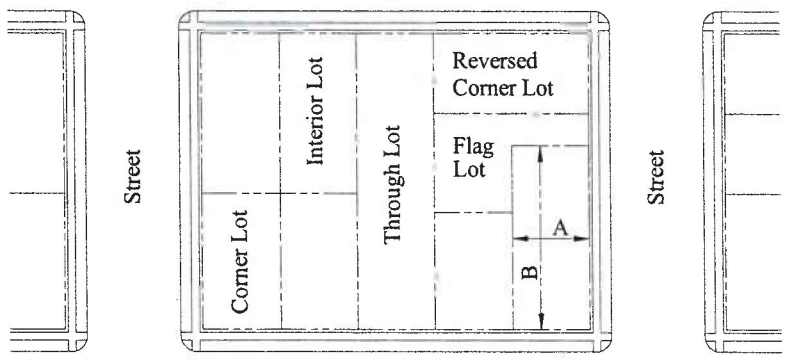
LOT, REVERSE CORNER - A lot that has its frontage at right angles to the general pattern that prevails in a block or neighborhood.

LOT, SUBSTANDARD - A lot which area, width or depth is less than that required by the zone in which it is located.

LOT, THROUGH - An interior lot having a frontage on two (2) streets and/or highways provided each frontage is at least ten feet (10') wide. [Ord. 2989, Dec. 5, 2001]

ILLUSTRATED LOT TYPES

A = Width of Lot
B = Length of Lot



LOT AREA - The total area, measured in a horizontal plane included within the lot lines of a lot or parcel of land.

LOT DEPTH - The horizontal distance measured between the mid-points of the front and rear lot lines.

LOT LINE, FRONT - In the case of an interior lot, the lot line separating the lot from the street; and in the case of a corner lot, it may be either lot line. In the case of a flag lot, it may be either the lot line parallel to the street providing access or the lot line parallel to the flag pole. [Ord. 2973, Feb. 7, 2001; Ord. 3006, Feb. 5, 2003]

LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line. For a triangular shaped lot the rear lot line shall mean a line having a length of not less than ten feet (10') within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

LOT LINE, SIDE - Any lot boundary line which is not a front lot line or a rear lot line.

LOT LINE ADJUSTMENT - An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. The relocation of a common property line between two (2) abutting properties.

LOT OF RECORD - A lot, the legal description of which is recorded in the office of the County Recorder of Union County.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

"M"

MANUFACTURED (MOBILE) HOME - Structures with a Department of Housing and Urban Development (HUD) label certifying the structure is constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974, as amended on August 22, 1981.

MANUFACTURED HOME PARK - Any place where four (4) or more manufactured dwellings are parked within five hundred feet (500') from one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. May be occupied by both manufactured dwellings and park trailers according to ORS 446.003(31).

MAP - A final diagram, drawing, or other writing concerning a major or minor partition.

MARGINAL ACCESS STREET - A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

MARQUEE - A permanent, roofed structure attached to and supported by the building and projecting over public property.

MATERIAL RECOVERY FACILITIES – A solid waste management facility which separates materials for the purposes of recycling from an incoming mixed solid waste stream by using manual and/or mechanical methods, or a facility at which previously separated recyclables are collected.

MEDICAL CLINIC - Any facility providing physical or mental health service and medical or surgical care of the sick or injured but shall not include inpatient or overnight accommodations. Medical clinic includes health center, health clinic and doctors' offices.

MEDICAL SERVICES - The Medical Services use type refers to establishments primarily engaged in the provisions of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

MINOR STREET - A street intended primarily for access to abutting properties.

MOBILE OFFICE - A temporary office for construction or sales purposes.

MODULAR HOME - See PREFABRICATED STRUCTURES.

MOTEL - One (1) or more buildings containing guest rooms or dwelling units, with one (1) or more such rooms or units having a separate entrance leading directly from the outside of the building or from an inner court/hallway. Such facilities are designed, used, or intended to be used, rented or hired out, for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. Motel includes auto courts, motor lodges, tourist courts and motor hotels.

MOTOR HOME - A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than two hundred twenty square feet (220'), excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

MOTOR VEHICLE - A device licensed by the State of Oregon by which any persons or property may be propelled, moved, or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

MOTOR VEHICLE FUEL-DISPENSING STATION - That portion of a building where flammable or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

"N"

NEIGHBORHOOD CONVENIENCE CENTER – One or more buildings for commercial retail use, which does not exceed five thousand square feet (5,000') of gross floor area per building, one (1) story in height, complies with the setbacks of the zone, and has all sales within the building(s). The primary consumer group would be residents in the general area. Allowable uses for Neighborhood Convenience Centers are limited to: [Ord. 3047, July 12, 2006]

1. Bed and Breakfast Inns;
2. Civic Administrative Services;
3. Commercial Administrative and Professional Services;
4. Dwelling Unit - limited to one (1) unit associated with a Neighborhood Convenience Use;
5. Eating and Drinking Establishments;
6. Food and Beverage Retail Sales;
7. Medical Services;
8. Personal Services; and
9. Retail Sales.

Drive-through facilities are not permitted for neighborhood convenience centers.

NEW CONSTRUCTION - Structures for which the "start of construction" commenced on or after September 30, 1980, and includes any subsequent improvements to such structures, pertaining to flood zone.

NOMINATION - The act of proposing a site, structure, building, natural feature, or district to be formally designated as a historic resource, in accordance with this Article. [Ord. 2973, Feb. 7, 2001]

NONCONFORMING STRUCTURE - Any structure or improvement that was lawfully established and in compliance with all applicable laws at the time this Code or any amendment thereto became effective, but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all the applicable regulations and standards of the zone in which the structure or improvement is located.

NONCONFORMING USE - Any use of land or property that was lawfully established and in compliance with all applicable Ordinances and laws at the time this Code or any amendment thereto became effective but which, due to application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

NONFARM AGRICULTURAL BUILDING - A structure which by use or character of its occupancy is similar to a farm agricultural building but is not located on a farm.

NONPROFIT (NOT-FOR-PROFIT) CORPORATION - An incorporated organization chartered for other than profit making activities. Most such organizations are engaged in charitable, educational, or other civic or humanitarian activities although they are not restricted to such activities.

NURSING HOME - A facility, other than a single-family dwelling, providing care and nurturing for the elderly.

"O"

OCCUPANCY - The purpose for which a building is used or intended to be used. A change in occupancy occurs when the use of the building is changed.

OFFICIAL MAP - Any map adopted by the Planning Commission which has depicted thereon existing or proposed street locations and designations, land use, zoning, building and setback lines, house numbering, and such other information pertaining to the development of land; a copy of which is on file with the City.

OPEN SALES LOT - The Open Sales Lot use type refers to places of business primarily engaged in the sale and/or rental of new and/or used manufactured homes, prefabricated structures, or any other good or service sold in the outdoor environment. Open sales lots shall be processed in accordance with Article 8.5 – Conditional Use Permit.

OPEN SPACE - The area of a lot which is not occupied by building coverage, parking lot or driveways. Open space also can include lands dedicated to the public for park purposes, recreational, scenic, or other public purposes.

ORDINANCE - An Ordinance duly enacted by the La Grande City Council.

OUTDOOR ADVERTISING - See SIGN ORDINANCE.

OWNER - The individual, firm, association, syndicate, partnership or corporation having proprietary interest in real property.

OWNER OF RECORD - The person, corporation, or other legal entity listed as owner on the records of Union County. [Ord. 2973, Feb. 7, 2001]

"P"

PARCEL - A unit of land that is created by partitioning of land.

PARK - A public or private open space providing outdoor passive and active recreation opportunities.

PARK TRAILER - A vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand

tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding four hundred square feet (400') when in the set-up mode.

PARKING SERVICES - The Parking Services use type refers to parking services involving garages and lots which are publicly-owned and operated.

PARKING SPACE - A readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one (1) motor vehicle.

PARKWAY - A parkway shown as such on a master plan of streets and highways.

PARTICIPANT SPORTS AND RECREATION - The Participant Sports and Recreation use type refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. Participant sports and recreation use types include those uses conducted within an enclosed building, such as bowling alleys, arcades, youth centers, martial arts studios, dance studios, health clubs, fitness centers, gymnasiums or billiard parlors, and those uses conducted in open facilities such as driving ranges, miniature golf courses, or hunting and fishing camps or ranges.

PARTIES TO THE HEARING - All persons whose names appear as Interested Parties, and all individuals, corporations, partnerships, or any other groups who appear either in person or who submit written testimony to a public hearing.

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

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

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

PARTITION LAND - To divide land into two (2) or three (3) parcels of land within a calendar year, but does not include:

A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable Zoning Ordinance; or

C. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes, provided that such road or right-of-way complies with the applicable Comprehensive Plan and ORS 215.213(2)(q - s) and 215.283(2)(p - r).

PARTITION PLAT - Includes a final map, other writing containing all the descriptions, locations, specifications, provision, and information concerning a major or minor partition.

PATIO - A roofed or unroofed area permanently open on the long side and not less than two (2) sides, used solely for outdoor living. Said patio will be considered to be open when enclosed by screening or any structure or structural material forming a physical barrier so not less than sixty-five percent (65%) of

the vertical surface is permanently open to permit the transmission of light, air and vision through said surface in a horizontal plane, but which is impenetrable to persons or animals.

PEDESTRIAN WAY - A right-of-way reserved for pedestrian traffic.

PERSON - Any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, foreign country, or any other group or combination acting as a unit.

PERSONAL SERVICES - The Personal Services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature, but excludes services classified as Spectator Sport and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include photography studios, driving schools, barber shops, hair salons, or reducing salons. [Ord. 3006, Feb. 5, 2003]

PETROLEUM BULK PLANT - Any premises used for the wholesale distribution and storage of gasoline, oil, or petroleum, but shall not include the storage of liquid petroleum gas, a tank farm, or be connected to a pipe line constituting in effect, a petroleum terminal.

PLANNED UNIT DEVELOPMENT - A development approved by the proper authorities based on a comprehensive and complete design or plan denoting all forms of uses of the land affected by the plan.

PLAT - Includes a final subdivision plat, diagram, replat, or partition plat, containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

PLAT, PRELIMINARY - The map, drawing, diagram, replat or other writing submitted with an application to subdivide land.

PLAT, SUBDIVISION - Includes a final map and other writings containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

PORCH (VERANDA) - Open, often roofed structure; an appendage to a building.

POSTAL SERVICES - The Postal Services use type refers to mailing services, excluding major processing, as traditionally provided by the United States Postal Service.

POULTRY - Domestic birds and/or fowl customarily raised or kept on a farm for profit or other purposes.

PREFABRICATED BUILDING - A structure built as one (1) unit or divided into transportable sections and intended to be permanently installed on a building site.

PREFABRICATED STRUCTURE - A building or subassembly constructed entirely or in part using closed construction which has been in whole or substantial part manufactured at an off-site location to be installed on a building site, but does not include a manufactured home or recreational vehicle.

PRIMARY STRUCTURE - See BUILDING, MAIN.

PRIVATE HOME OFFICE - An office contained within the residence of a member of a profession which is used by said professional in the provision of his services.

PRIVATE STREET - Any part of a development outside of public rights-of-way open to vehicular circulation, except parking spaces and driveways.

PUBLIC RESEARCH AREA - The Public Research Area use type refers to land and the appurtenant buildings operated by governmental, educational and other public or non-profit bodies dedicated to pure or applied scientific discovery in the fields of agriculture, wildlife management, forestry, geology, archaeology, ecology, astronomy, and the like.

PUBLIC UTILITY - Any corporation, including municipal or quasi municipal corporation, service district, company, individual, or association that owns or operates any plant or equipment:

A. For the conveyance of telegraph or telephone messages, with or without wires;

B. For the transportation of water, gas, or petroleum products by pipeline;

C. For the production, transmission, delivery or furnishing of heat, light, water, or electricity;

D. For the transmission and delivery of television pictures and sound by cables;

E. For the transportation of persons or property by street railroads or other street transportation or common carriers;

F. For the treatment and disposal of sewage; or

G. For the disposal of storm water runoff.

PUBLIC UTILITY SERVICE CENTER - Any building or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicle, but not including warehouses or storage yards.

PUBLIC UTILITY SERVICE YARD - Any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as part of the service yard use.

"Q"

QUARRY - Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations, including washing, crushing, screening, and temporary storage, for the removal of ores, precious stones, or other solid minerals.

QUASI-JUDICIAL - Type of process used in a contested case hearing in which the land use issue involves a specific use of property or properties and the impact of the decision will be limited to a specific area of the City.

"R"

RAMADA - A stationary structure having a roof extending over a manufactured dwelling which may also

extend over a patio or parking space for motor vehicles and used principally for protection from sun, rain and snow.

RECREATIONAL VEHICLE - A unit, with or without motive power, which is designated for human occupancy and is used temporarily for recreational or emergency purposes (including Camping Trailers, Motor Homes, Park Trailers and Travel Trailers, which are separately defined in this Ordinance). **[Ord. 2989, Dec. 5, 2001]**

RECREATIONAL VEHICLE PARK - A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. [Ord. 2989, Dec. 5, 2001]

RECYCLING CENTERS – A business which receives and markets source separated recyclables. Any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. See also MATERIAL RECOVERY FACILITY.

REDEVELOPMENT PLAN – A Redevelopment Plan is also known as a "shadow plat" or "ghost subdivision" where the applicant demonstrates how the property may be developed in the future. Buildings on the interim lots would be located so as not to interfere with the final property boundaries shown on the Redevelopment Plan.

RELIGIOUS ASSEMBLY - The Religious Assembly use type refers to religious services only involving public assembly such as customarily occurs in synagogues, temples, and churches. This use type does not include parochial schools. Permitted accessory uses include religion classes, weddings, funerals, child care and meal programs. Private or parochial school education for pre-kindergarten through grade 12 or higher education facilities shall not be considered accessory uses. [Ord. 2989, Dec. 5, 2001]

RELOCATION - Any relocation of a building or structure on its site or to another site in La Grande. **[Ord. 2973, Feb. 7, 2001]**

REPAIR SERVICES - The Repair Services use type refers to establishments primarily engaged in the provision of repair services to individuals and household rather than firms. Typical uses include appliance repair shops, apparel repair firms, or instrument repair firms.

REPETITIVE LOSS – Means flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. [Ord. 2973, Feb. 7, 2001]

REPLAT - Includes a final map of reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a recorded subdivision. Pursuant to Oregon law, a replat shall not serve to Vacate a public street or road. [Ord. 3006, Feb. 5, 2003]

RESEARCH SERVICES - The Research Services use type refers to establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms, soil and material testing labs, or pharmaceutical research labs.

RESIDENTIAL FACILITY - A facility licensed under the authority of the Department of Human Resources (DHR) providing residential care of six to fifteen (6 - 15) individuals.

RESIDENTIAL HOME - A home licensed under the authority of the Department of Human Resources (DHR) which provides residential care for five (5) or fewer individuals.

REST HOME - See NURSING HOME.

RETAIL SALES - The Retail Sale use type refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as Automobile and Equipment, Construction Sales and Services and Gasoline Sales.

RIGHT-OF-WAY - The area between boundary lines of a street, way or other easement.

"S"

SCHOOL, PRIVATE - A building wherein instruction is given to pupils in the arts, crafts, or trades and is operated as a commercial enterprise as distinguished by schools endowed and/or supported by taxation.

SCHOOL, PUBLIC - A school under the control of and financed by a legal constituted public school district in the State of Oregon.

SCHOOL, TRADE - Private schools offering instruction in the technical, commercial and/or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments.

SCRAP OPERATIONS - The Scrap Operations use type refers to places of business primarily engaged in storage, dismantling or other processing of used or waste material which are intended for re-use in their original form. Typical uses include junk yards, paper salvage yards, auto salvage yards, or appliance salvage yards.

SETBACK - The line which defines the width or depth of a required yard. Such setback line is parallel with the property line. No portion of the building shall project into such yard except as provided for in this Ordinance.

SIDEWALK - A pedestrian walkway with a permanent surface.

SIGHT TRIANGLE - See CLEAR VISION AREA.

SIGNIFICANT BUILDING, STRUCTURE, OR SITE - A building, structure, or site which has been found by the Landmarks Commission, or a qualified historic preservation consultant, to possess enough historic and/or architectural value and structural integrity to be potentially eligible for listing on the La Grande Historic Sites List or Landmarks Register. [Ord. 2973, Feb. 7, 2001]

SITE PLAN - A plan other than a building plan showing the physical arrangement, design or use of a lot or parcel of land, buildings or structures indicating uses, form, dimensions and other pertinent data.

SLOPE EASEMENT - A grant of the right to use a strip of land for the purpose of constructing embankment or earth slopes, when required for the purpose of maintaining or creating a safe and stable topographical condition.

SOLID FILL - Any non-combustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

SOLID FILL PROJECT - Any operation of a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

SOLID WASTE - Decomposable or nondecomposable waste including but not limited to garbage, rubbish, refuse, ashes, waste paper, and cardboard.

SOLID WASTE TRANSFER FACILITIES – A fixed or mobile facility other than a collection vehicle where solid waste is taken from a smaller collection vehicle and placed in a larger transportation unit for transport to a final disposal location.

SPECTATOR SPORTS AND ENTERTAINMENT - The Spectator Sports and Entertainment use type refers to establishments or places primarily engaged in the provision of cultural, entertainment, athletic and other events to spectators as well as those involving social or fraternal gatherings. Spectator sports and entertainment use types include those uses conducted both within open facilities or within an enclosed building. Typical uses include small theaters, meeting halls, large exhibition halls, service club and membership organizations, social and fraternal orders, or sports stadiums, but exclude those classified as Extensive Impact use types.

STABLE - A building or portion thereof use to shelter and feed horses which are used exclusively by the occupants of the property on which the stable is situated.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, excavation for a basement, footings, piers, or foundations, or the erection of temporary forms, installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE - The State of Oregon.

STORM DRAINAGE - A system of open or enclosed drainage ways designed to direct and carry storm water runoff away from the site.

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

more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STORY, FIRST - The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight feet (8') below grade, as defined herein, at any point.

STORY, HALF - A story with at least two (2) or its opposite sides situated immediately under a sloping roof, with the floor area of the said story not in excess of two-thirds (2/3) of the floor area of the floor immediately below it.

STREAM - A perennial natural water course.

STREET - The portion or portions of street right-of-way developed for vehicular traffic.

A. Street: A public or private way which is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land.

B. Public Street: Public street shall mean:

1. Any street officially established for the use of the public by the City Council under procedures authorized in the Oregon Revised Statutes;

2. Any street established by a good and sufficient deed, properly executed forever dedicating the land and granting such public street easement, which deed has been, or is, accepted by the City Council and placed on record; or

3. Any street dedicated to the use of the public for street purposes by a final plat of a subdivision, which has been approved and accepted by the City Council and placed on record.

STREET PLUG OR RESERVE STRIP - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the City and the disposal of which lands shall be placed within the jurisdiction of the City Council for disposal under conditions approved by the Planning Commission.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as bearing walls, column, beam or guides, floor or ceiling joists, roof rafters, roof diagrams, roof trusses, foundations, piles, retaining walls or similar components.

STRUCTURE - Anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

STRUCTURE, ADVERTISING - A structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support display of signs.

STRUCTURE, PRIMARY - See BUILDING, MAIN.

SUBDIVIDE - The division of an area or tract of land into four (4) or more lots 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.

SUBDIVIDER - Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

SUBDIVISION - The act of subdividing land or an area or tract of land which has been subdivided.

SUBSTANTIAL DAMAGE – Means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals of exceeds twenty five percent (25%) of the market value of the structure before the damage occurred. [Ord. 2973, Feb. 7, 2001]

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

A. Before the "Start of Construction" of the improvement or repair; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not however, include either:

A. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications 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, provided that the alteration will not preclude the structures continued designation as a "historic structure".

The term "substantial improvement" also includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual amount of work performed. [Ord. 2973, Feb. 7, 2001]

SWIMMING POOL - An artificial structure and its appurtenances, which contains water more than two feet (2') deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for swimming.

"T"

TEMPORARY REAL ESTATE OFFICES - A temporary real estate office in a dwelling, not including a

manufactured home, within a subdivision, shall be permitted subject to provisions pursuant to the applicable zone.

TEMPORARY USE - Impermanent usage of land or structure on a short term basis. Uses to be permitted include but are not limited to: signs, temporary office structures, trailers used as construction offices, medical hardship residences, and units used seasonally as locations for food vending. Any temporary uses must meet applicable codes as they apply to any occupied structure.

TENANT OR OCCUPANT - Shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either along or with others.

TENTATIVE PLAT - A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots, and other elements of a subdivision which shall help furnish a basis for the Planning Commission's approval or denial of the general layout of the subdivision.

TRANSIENT - A person or persons normally limited to a thirty (30) day (or less) occupancy.

TRANSIENT HABITATION - The Transient Habitation use type refers to establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are Transient Habitation use types:

A. Transient Habitation: Campground - Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

B. Transient Habitation: Lodging - Lodging services involving the provision of room and/or board. Typical uses include motels, hotels, and bed and breakfasts.

C. Transient Habitation: Resort - Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, dude ranches, health spas, resort hotels and motels, and recreation camps.

TRANSPORTATION PLAN - The Transportation Plan of the City of La Grande as adopted by the La Grande City Council.

TRANSPORTATION SERVICES – The Transportation Services use type refers to establishments primarily engaged in the provision of transportation services. Typical uses include taxi companies or bus depots. [Ord. 3006, Feb. 5, 2003]

TRAVEL TRAILER - See RECREATIONAL VEHICLE.

TRUCK CAMPER - See RECREATIONAL VEHICLE.

"U"

UNIT - A room or suite of two (2) or more rooms occupied or suitable for occupancy as a residence for one family.

URBAN AREA - All lands located within the Long-Term Urban Growth Boundaries shown in the Comprehensive Master Plan.

USE - The primary or principal activity, structure, or facility occurring upon land.

USE, ACCESSORY - An activity, facility, or structure which is incidental and subordinate to a permitted use established on the same lot and which may be necessary for the successful operation of said permitted use.

"V"

VACATION or VACATE - Process by which a public jurisdiction returns to private ownership a public right-of-way, alley, or portion thereof. Vacation is also a term which applies to returning subdivision plats to their former lot configuration. There are specific State Statutes to be followed.

VARIANCE - Specific procedure in which a deviation is permitted from the specific terms of this Code. Variance may be granted for some physical requirement of this code but not to grant another land use other than specified by this Code.

"W"

WHOLESALING, STORAGE AND DISTRIBUTION - The Wholesaling, Storage, and Distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage, distribution and open-air handling of materials and equipment other than live animals and plants. The following are Wholesaling, Storage, and Distribution use types:

A. Wholesaling, Storage and Distribution: Heavy - Open air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, open storage yards, or petroleum storage facilities.

B. Wholesaling, Storage and Distribution: Light - Wholesaling, storage and warehouse services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, and mini-warehouses.

C. Storage: Open air and enclosed building storage of non combustibles. Typical uses include RV storage, household storage, and personal storage.

WRECKING BUSINESS - The conducting in whole or in part, the buying, selling or dealing in vehicles for the purpose of wrecking, dismantling, disassembling and offering for sale the used vehicle components thereof. Carries on or conducts, in whole or in part, the business of buying, selling or dealing in vehicles for the purpose of wrecking, dismantling, disassembling or substantially altering the form of any motor vehicle. Carries on or conducts, in whole or in part, the business of selling at wholesale wrecked, dismantled, disassembled or substantially altered vehicles. Engages in the activity of wrecking, dismantling, disassembling or substantially altering vehicles including the crushing, compacting or shredding of vehicles. The local government shall also control the licensing of wrecking operations.

"Y"

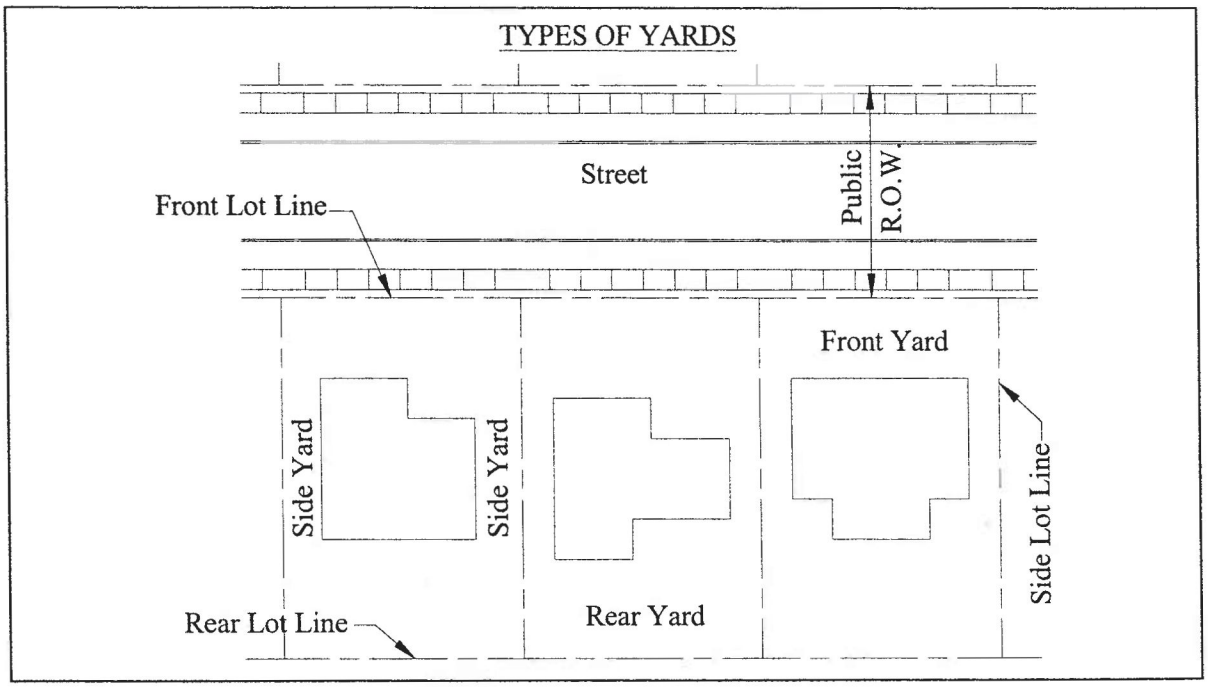
YARD - An open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a

building from the ground upward. See diagram.

YARD, FRONT - A yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is co-terminus with the property line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway and a line parallel thereto on the lot or parcel of land. In the case of a flag lot, the front yard shall be either the yard located parallel to the street providing access, or the yard located parallel to and abutting the flag pole. [Ord. 2973, Feb. 7, 2001; Ord. 3006, Feb. 5, 2003]

YARD, REAR - A yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the real lot line and a line parallel thereto on the lot or parcel of land.

YARD, SIDE - A yard extending from the required front yard, or the front lot line where no front yard is required to the required yard or to the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street or highway, the width of such required side yard shall be a specified horizontal distance between the side lot line on the street or highway side, where said side lot line is co-terminus with the street line of a fully widened street or highway, of the ultimate street line parallel thereto on the lot or parcel of land.



"Z"
ZONE CHANGE - An amendment to the Zoning Map or text in which an existing zoning designation is

replaced with another.

ZONING DESIGNATION - Specific land use designations placed on land within the City.

ZONING ORDINANCE - That section of this Land Use Development Code which specifies land uses and physical requirements of these land uses in the City.

ZOO - A zoological garden or collection of living animals maintained and operated for public display.

CHAPTER 2 – LAND USE ZONES

ARTICLE 2.1 – BASIC PROVISIONS

SECTION 2.1.001 - PURPOSE

The purposes of this chapter are to establish land use zones required to carry out this Code, to define the purpose of each zone, and to specify the types of land uses appropriate for each zone. More specifically, the zones are formulated to support achievement of the following goals:

A. To permit orderly and beneficial development, while protecting the character of neighborhoods and communities, and the social and economic stability of the City.

B. To reconcile discordant land uses by identifying the relationship between compatible uses which minimize land use conflicts.

C. To provide areas where residential, commercial and industrial uses may be developed in harmonious patterns, and with all the necessities for satisfactory living and working environments.

D. To further the goals and policies of the City of La Grande Comprehensive Plan.

SECTION 2.1.002 - CLASSIFYING COMBINATIONS OF PRINCIPAL USES (INCIDENTAL USES)

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified as accessory uses.

A. Separate Classification of Several Establishments - The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.

B. Separate Classification of Different Major Categories of Use Conducted by Individual Establishment - If the principal uses on a lot by an individual establishment, management, or institution appear to fit under two or more different categories or use types--in effect, Residential, Civic, Commercial, Industrial, or Extensive--the principal uses shall be classified under each appropriate category.

C. Classification of Different Uses Within Same Category of Use Types, Conducted by Individual Establishment - If principal uses conducted on a lot by an individual establishment, management, or institution resemble two (2) or more different use types within the same category of use types (see B. above), all such principal uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one of the use types on the list. If the principal use resembles more than one (1) of the use types on the list, the uses shall be classified in the most appropriate use type, except that any commercial uses shall be classified within the scrap operations use type if they have any of its characteristics.

Light Industrial
Heavy Industrial
Extensive Impact Services and Utilities
Scrap Operations
Wholesaling, Storage, and Distribution: Heavy

SECTION 2.1.003 - CLASSIFYING USES

Uses will be classified into types based upon the description of the use types as contained in Section 1.2.002, upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 2.1.002 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Community Development Department/Planning Division. The Community Development Director/Planner shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to Chapter 9, and if an appeal is taken, the Community Development Director/Planner shall provide written findings supporting the classification.

ARTICLE 2.2 - DESIGNATION OF BASIC ZONES

SECTION 2.2.001 - LIST OF BASIC ZONES

The following zones are established in order to carry out the purpose of this Code and to implement the goals and policies of the City of La Grande Comprehensive Plan. The Zoning Map is hereby amended to reflect these zoning designations:

HD	Hillside Development Residential
RR-1	Rural Residential
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-P	Residential-Professional
CB	Central Business
GC	General Commercial
IC	Interchange Commercial
M-1	Light Industrial
M-2	Heavy Industrial
PF	Public Facilities [Ord. 2989, Dec. 5, 2001]
BP	Business Park [Ord. 2989, Dec. 5, 2001]

SECTION 2.2.002 – HILLSIDE DEVELOPMENT RESIDENTIAL (HD)

A. PURPOSE: The purpose of this zone is to reduce development densities within hillside areas which have a slope greater than or equal to twenty five percent (25%), or in hillside areas where there has been a history of slope failure and are designated in the City of La Grande Comprehensive Plan as Geological Hazard areas, giving special consideration to parcel minimum size and impacts on slope stability. Development in these areas may be subject to additional requirements resulting from these hazards. These areas allow the pursuit of limited agricultural activities and maintenance of domesticated animals.

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family Dwellings
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Providers, Residential Facility, Residential Home and Rest Homes [Ord. 2973, Feb. 7, 2001]
5. Home Occupations (see Article 8.11) [Ord. 2973, Feb. 7, 2001]
6. Livestock Uses

C. CONDITIONAL USES:
1. Accessory Residential Unit [Ord. 2973, Feb. 7, 2001]
2. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
3. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
4. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, and Utility Substations
5. Group Care Residential – Day Nurseries
6. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area – One (1) Acre.
2. Residential Density - One (1) Dwelling Per Lot.
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards - See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.
14. Geological Hazards – See Chapter 3, Article 3.4.

SECTION 2.2.003 - RURAL RESIDENTIAL (RR-1)

A. PURPOSE: The purpose of this zone is to establish areas for rural residential living styles. These areas allow the pursuit of limited agricultural activities and maintenance of domesticated animals. A density of two (2) dwelling units per acre is anticipated. [Ord. 2973, Feb. 7, 2001]

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family Dwellings
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Providers, Residential Facility, Residential Home and Rest Homes [Ord. 2973, Feb. 7, 2001]
5. Home Occupations (see Article 8.11)
6. Livestock Uses

C. CONDITIONAL USES:
1. Accessory Residential Unit [Ord. 2973, Feb. 7, 2001]
2. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
3. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
4. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, and Utility Substations
5. Group Care Residential – Day Nurseries
6. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - Fifteen Thousand (15,000) Square Feet. Common Wall Residences are Not Permitted in This Zone. For lots with existing areas of one half (½) acres or more, an approved Master Plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the Comprehensive Plan. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]
2. Residential Density - One (1) Dwelling Per Lot.
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards - See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.004 - LOW DENSITY RESIDENTIAL (R-1)

A. PURPOSE: The purpose of this zone is to establish areas suitable for single family residences and necessary accessory uses. The Low Density Residential Zone is intended to implement the Comprehensive Plan designation of a Low Density Residential land use of a density between four (4) and six (6) dwelling units per acre.

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family Dwellings
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Providers, Residential Facility, Residential Homes and Rest Homes. [Ord. 2973, Feb. 7, 2001]
5. Home Occupations (see Article 8.11)

C. CONDITIONAL USES:
1. Accessory Residential Unit [Ord. 2973, Feb. 7, 2001]
2. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High Schools, Junior Colleges, Colleges, Universities and Trade Schools
3. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
4. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, Utility Substations, and Golf Course or Country Club
5. Group Care Residential – Day Nurseries
6. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
7. Transient Habitation: Lodging - Limited to Bed and Breakfast Inns

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area – Six Thousand (6,000) Square Feet. Common Wall Residences shall be no Less Than Three Thousand (3,000) Square Feet in Size per Unit. For lots with existing areas of one half (½) acres or more, an approved Master Plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the Comprehensive Plan. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]
2. Residential Density - One (1) Dwelling Per Lot.
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards - See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 3, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.005 - MEDIUM DENSITY RESIDENTIAL (R-2)

A. PURPOSE: The purpose of this zone is to establish areas for single-family and duplex residential dwelling units and necessary accessory uses. The Medium Density Residential Zone is intended to implement the Comprehensive Plan designation of a Medium Density Residential land use with a density of five (5) to ten (10) dwelling units per acre. [Ord. 2973, Feb. 7, 2001]

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family and Duplex Dwellings
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Provider, Residential Facility, Residential Homes and Rest Homes. [Ord. 2973, Feb. 7, 2001]
5. Home Occupations (see Article 8.11) [Ord. 2973, Feb. 7, 2001]

C. CONDITIONAL USES:
1. Accessory Residential Unit
2. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
3. Clinic Services – Non-Profit Medical Services
4. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
5. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
6. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
7. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, Utility Substations, and Ambulance Services
8. Family Residential - Limited to Manufactured Home Parks [Ord. 2973, Feb. 7, 2001]
9. Group Care Residential - Day Nurseries [Ord. 2973, Feb. 7, 2001]
10. Neighborhood Convenience Center
11. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
12. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
13. Retail Sales - Limited to Neighborhood Convenience Center
14. Transient Habitation: Lodging - Limited to Bed and Breakfast Inns

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area – Five Thousand (5,000) Square Feet. Lots Intended for Common Wall Residences Shall be no Less Than Three Thousand (3,000) Square Feet in Size per Unit. For lots with existing areas of one half (½) acres or more, an approved Master Plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the Comprehensive Plan. [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001;Ord. 3047, July 12, 2006]

2. Residential Density - One (1) Single Family Dwelling Unit Per Lot, or One (1) Duplex Per Six Thousand (6,000) Square Feet
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards - See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.006 - HIGH DENSITY RESIDENTIAL (R-3)

A. PURPOSE: The purpose of this zone is to provide higher concentrations of dwelling units where the level of public services can adequately accommodate such development. The High Density Residential Zone, which provides for multi-family residential units, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the Comprehensive Plan designation of High Density Residential land use of densities of eleven (11) or more dwelling units per acre.

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family and Duplex Dwellings, and Apartments
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Day Nurseries, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Provider, Residential Facility, Residential Homes and Rest Homes
5. Group Residential – Sorority Houses, Retirement Homes or Boarding Houses
6. Home Occupations (see Article 8.11) [Ord. 2973, Feb. 7, 2001]

C. CONDITIONAL USES:
1. Accessory Residential Unit
2. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
3. Clinic Services – Non-Profit Medical Services
4. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
5. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
6. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
7. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, Ambulance Services, and Utility Substations
8. Family Residential - Limited to Manufactured Home Parks
9. Medical Services – Medical Offices, Dental Laboratories or Health Maintenance Organizations
10. Neighborhood Convenience Center
11. Postal Services – Mailing Services Excluding Major Processing
12. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
13. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
14. Retail Sales - Limited to Neighborhood Convenience Center
15. Transient Habitation: Lodging - Limited to Bed and Breakfast Inns

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - Five Thousand (5,000) Square Feet For First Dwelling Unit Plus One Thousand (1,000) Square Feet For Each Additional Unit. Lots Intended for Common Wall

Residences Shall be no Less Than Three Thousand (3,000) Square Feet in Size per Unit. For lots with existing areas of one half (½) acres or more, an approved Master Plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the Comprehensive Plan. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]

2. Residential Density – One (1) Single Family Dwelling Unit per Lot, or One (1) Duplex per Six Thousand (6,000) Square Feet. Average of Eleven (11) or More Dwelling Units Per Acre.
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards - See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.007 – RESIDENTIAL-PROFESSIONAL (R-P)

A. PURPOSE: The purpose of this zone is to provide for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent residential areas. The professional office uses in possible close proximity to adjacent residential areas. The professional office uses permitted are intended to be comparable in terms of scale, bulk, building and parking coverage, traffic generation, open space and other external factors with the residential uses permitted. The R-P Zone is intended to be consistent with commercial or residential designations in the La Grande Comprehensive Plan.

B. PERMITTED USES:
1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
3. Family Residential - Limited to Single Family or Duplex Dwellings
4. Group Care Residential – Halfway Houses, Intermediate Care Facilities, Day Nurseries, Nursing Homes, Convalescent Hospitals, Foster Care Homes, Family Day Care Provider, Residential Facility, Residential Homes and Rest Homes
5. Home Occupations (see Article 8.11) [Ord. 2973, Feb. 7, 2001]

C. CONDITIONAL USES:
1. Accessory Residential Unit
2. Ambulance Services
3. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
4. Clinic Services – Non-Profit Medical Services
5. Commercial Administrative and Professional Services – Administrative Offices, Legal Offices, Architectural, Engineering, Surveying, or Consulting Firms
6. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
7. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
8. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
9. Eating and Drinking Establishments – Limited to Coffee Shops and Luncheonettes
10. Extensive Impact Services and Utilities - Limited to Parks, Fire Stations, and Utility Substations
11. Family Residential – Limited to Apartments and Condominiums [Ord. 2973, Feb. 7, 2001]
12. Funeral and Interment Services: Cremating – Crematories or Crematoriums
13. Funeral and Interment Services: Undertaking – Funeral Homes or Mortuaries
14. Medical Services – Medical Offices, Dental Laboratories or Health Maintenance Organizations
15. Neighborhood Convenience Center
16. Personal Services – Limited to Photography Studios, Barber Shops and Hair Salons
17. Postal Services – Mailing Services Excluding Major Processing
18. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
19. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches

20. Retail Sales – Limited to Art Galleries and Book Stores
21. Spectator Sports and Entertainment – Limited to Service Club and Membership Organizations, and Social and Fraternal Orders [Ord. 2973, Feb. 7, 2001]
22. Transient Habitation: Lodging - Limited to Bed and Breakfast Inns

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - Five Thousand (5,000) Square Feet. Lots Intended for Common Wall Residences Shall be no Less Than Three Thousand (3,000) Square Feet in Size per Unit. For lots with existing areas of one half (½) acres or more, an approved Master Plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the Comprehensive Plan. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]
2. Residential Density - One (1) Single Family Dwelling Unit Per Lot, or One (1) Duplex Per Six Thousand (6,000) Square Feet and One (1) Additional Dwelling Unit per Each Additional One Thousand (1,000) Square Feet of Lot Area. [Ord. 2973, Feb. 7, 2001]
3. Lot Size and Shape - See Chapter 5, Article 5.2.
4. Building Setbacks and Yards – See Chapter 5, Article 5.3.
5. Distance Between Buildings - See Chapter 5, Article 5.3.
6. Building Heights - See Chapter 5, Article 5.4.
7. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
8. Landscaping - See Chapter 5, Article 5.6.
9. Parking and Loading - See Chapter 5, Article 5.7.
10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.008 - CENTRAL BUSINESS (CB)

A. PURPOSE: The purpose of this zone is to provide for the development of intensive consumer services and retail commercial activities in the central core area of the City of La Grande which will facilitate pedestrian traffic and which will provide for the residential use of the upper levels of certain multi-level commercial buildings.

B. PERMITTED USES:

1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs
2. Animals Sales and Services: Grooming
3. Animals Sales and Services: Pet Sales/Shops – Sales of Aquatic and Small Animals, and Animal-Related Supplies and Services [Ord. 2973, Feb. 7, 2001]
4. Business Equipment Sales and Services – Office Equipment and Supply Firms, Small Business Machine Shops or Hotel Equipment and Supply Firms
5. Business Support Services – Secretarial Services, Telephone Answering Services, or Blueprint Services
6. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
7. Clinic Services – Non-Profit Medical Services [Ord. 2973, Feb. 7, 2001]
8. Commercial Administrative and Professional Services – Administrative Offices, Legal Offices, Architectural, Engineering, Surveying, or Consulting Firms
9. Communication Services
10. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
11. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Micro-Breweries [Ord. 3047, July 12, 2006]
12. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
13. Family Residential - Limited to Residential Units in Second or Higher Levels of Multi-Level Commercial Buildings and/or Occupying no Greater Than Twenty-Five Percent (25%) of the Ground Floor of Multi-Level Commercial Buildings, Provided that Commercial Store Fronts are Maintained on the Street Front. Home Occupations are Allowed in Such Family Residential Units Subject to the Provisions of Article 8.11 of This Code [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]
14. Financial, Insurance and Real Estate Services – Banks, Insurance Agencies, Real Estate Appraisal, or Real Estate Firms
15. Food and Beverage Retail Sales
16. Medical Services – Medical Offices, Dental Laboratories or Health Maintenance Organizations [Ord. 2973, Feb. 7, 2001]
17. Parking Services – Parking Services Involving Garages and Lots
18. Participant Sports and Recreation – Dance, Body Training such as Yoga, Martial Arts, Health Clubs, Fitness Centers, Gymnasiums, Pool and Billiard Parlors, Arcades, and Youth Centers [Ord. 3047, July 12, 2006]
19. Personal Services – Photography Studios, Driving Schools, Barber Shops, Hair Salons, or Reducing Salons [Ord. 3006, Feb. 5, 2003; Ord. 3047, July 12, 2006]
20. Postal Services – Mailing Services [Ord. 2973, Feb. 7, 2001]
21. Repair Services – Appliance Repair Shops, Apparel Repair Firms or Instrument Repair Firms
22. Retail Sales – Businesses Engaged in Sale of Commonly Used Goods and Merchandise
23. Transient Habitation: Lodging – Limited to Hotels and Motels [Ord. 2973, Feb. 7, 2001]

24. Transportation Services – Taxi Services and Bus Depots [Ord. 3006, Feb. 5, 2003]

C. CONDITIONAL USES:
1. Automotive and Equipment: Repairs, Light Equipment – Muffler Shops, Auto Repair Garages or Auto Glass Shops
2. Automotive and Equipment: Sales/Rentals, Light Equipment – Automobile Dealers, or Car Rental Agencies or Recreational Vehicles Sales and Rental Agencies
3. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
4. Community Recreation –Recreational, Social or Multi-Purpose Uses Within Buildings
5. Extensive Impact Services and Utilities – Public Safety Buildings, Parks, Public Sports Arenas, Microwave Relay Stations, or Other Communication Structures, Electrical Transmission Lines, Substations, and Electrical Generation Facilities
6. Family Residential – Apartments Occupying Greater Than Twenty-Five Percent (25%) of the Ground Floor of Multi-Level Commercial Buildings, Provided that Commercial Store Fronts are Maintained on the Street Front. Home Occupations are Allowed in Such Family Residential Units Subject to the Provisions of Article 8.11 of This Code. [Ord. 2973, Feb. 7, 2001]
7. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
8. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
9. Spectator Sports and Entertainment - Limited to Indoor Theaters, Service Club and Membership Organizations and Social Fraternal Orders

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - There Shall Be No Minimum Required Lot Area in This Zone.
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - No Off-Street Parking is Required for Outright Uses. See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.009 - GENERAL COMMERCIAL (GC)

A. PURPOSE: The purpose of this zone is to provide the full range of retail goods and services serving a large area which normally requires a large space for development. [Ord. 3006, Feb. 5, 2003]

B. PERMITTED USES:

1. Accessory Uses – Caretaker's Residences, Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs [Ord. 3047, July 12, 2006]
2. Agricultural Supplies and Services – Feed and Grain Stores, Crop Dusting or Tree Service Firms
3. Ambulance Services
4. Animal Sales and Services: Grooming – Dog Bathing and Clipping Salons or Pet Grooming Shops
5. Animal Sales and Services: Kennels – Boarding Kennels, Pet Motels, Dog Training Centers, or Breeding Establishments
6. Animal Sales and Services: Veterinary, Small Animals – Pet Clinics, Dog and Cat Hospitals or Animal Hospitals
7. Automotive and Equipment: Cleaning – Auto Laundries, Auto Detailing, or Car Washes
8. Automotive and Equipment: Fleet Storage – Taxi Fleets, Mobile Catering Truck Storage or Auto Storage Garages
9. Automotive and Equipment: Parking – Commercial Parking Lots or Garages [Ord. 3047, July 12, 2006]
10. Automotive and Equipment: Heavy Equipment – Body Shops
11. Automotive and Equipment: Repairs, Light Equipment – Muffler Shops, Auto Repair Garages or Auto Glass Shops
12. Automotive and Equipment: Sales/Rentals, Light Equipment – Automobile Dealers, or Car Rental Agencies or Recreational Vehicles Sales and Rental Agencies
13. Building Maintenance Services – Janitorial, Landscape Maintenance, or Window Cleaning Services
14. Business Equipment Sales and Services – Office Equipment and Supply Firms, Small Business Machine Shops or Hotel Equipment and Supply Firms
15. Business Support Services – Secretarial Services, Telephone Answering Services, or Blueprint Services
16. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
17. Clinic Services – Non-Profit Medical Services
18. Commercial Administrative and Professional Services – Administrative Offices, Legal Offices, Architectural, Engineering, Surveying, or Consulting Firms
19. Communications Services – Television Studios, Radio Stations, Telecommunication Service Centers or Telegraph Service Offices
20. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
21. Community Recreation – Recreational, Social or Multi-Purpose Uses Within Buildings
22. Construction Sales and Services – Building Materials Stores, Tool and Equipment Rental or Sales, or Building Contractors
23. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
24. Custom Manufacturing – Ceramic Studios, Candle-Making Shops or Custom Jewelry Manufacture

25. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Micro-Breweries [Ord. 3047, July 12, 2006]
26. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
27. Family Residential – Limited to Residential Units in the Second and Higher Floors and/or Twenty-Five Percent (25%) of the Ground Floor of Multi-Level Commercial Buildings, or Greater than Twenty-Five Percent (25%) With a Conditional Use Permit, Provided that Commercial Store Fronts are Maintained on the Street Front. Home Occupations are Allowed in Such Family Residential Units Subject to the Provisions of Article 8.11 of This Code. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]]
28. Financial, Insurance and Real Estate Services – Banks, Insurance Agencies, Real Estate Appraisal, or Real Estate Firms
29. Food and Beverage Retail Sales – Supermarkets, Groceries, Liquor Stores, Micro-Breweries, Retail Sales, Bakeries, or Delicatessens [Ord. 3047, July 12, 2006]
30. Fuel Sales – Passenger and Light Truck Service Stations, Filling Stations - Excluding Truck Stops, Storage or Sales of Liquefied Petroleum Gas [Ord. 3047, July 12, 2006]
31. Laundry Services – Laundry Agencies, Diaper Services or Linen Supply Services
32. Medical Services – Medical Offices, Dental Laboratories or Health Maintenance Organizations
33. Parking Services – Parking Services Involving Garages and Lots
34. Personal Services – Photography Studios, Driving Schools, Barber Shops, Hair Salons, or Reducing Salons [Ord. 3006, Feb. 5, 2003]
35. Postal Services – Mailing and Shipping Services Excluding Major Processing [Ord. 3047, July 12, 2006]
36. Repair Services – Appliance Repair Shops, Apparel Repair Firms or Instrument Repair Firms
37. Retail Sales – Businesses Engaged in Retail Sale of Goods and Merchandise [Ord. 3047, July 12, 2006]
38. Spectator Sports and Entertainment - Limited to Indoor Theater, Service Club and Membership Organizations, and Social and Fraternal Orders [Ord. 2973, Feb. 7, 2001]
39. Transient Habitation: Lodging – Motels, Hotels, and Bed and Breakfasts
40. Transportation Services – Taxi Services and Bus Depots [Ord. 3006, Feb. 5, 2003]
41. Wholesaling, Storage, and Distribution: Mini-Storage

C. CONDITIONAL USES:

1. Accessory Uses – Limited to Billboard Signs
2. Animal Sales and Services: Veterinary, Large Animals – Animal Hospitals or Veterinary Hospitals
3. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups
4. Automotive and Equipment: Sales/Rentals, Farm Equipment – Farm Equipment Dealers
5. Extensive Impact Services and Utilities – Fairgrounds, Public Safety Buildings, Parks, Public Sports Arenas, Golf Courses, Microwave Relay Stations, or Other Communication Structures, Electrical Transmission Lines, Substations, and Electrical Generation Facilities
6. Funeral and Interment Services: Cremating - Crematoriums [Ord. 2973, Feb. 7, 2001]
7. Funeral and Interment Services: Undertaking – Funeral Homes or Mortuaries
8. Fuel Sales - Limited to Truck Stops [Ord. 3047, July 12, 2006]

9. Open Sales Lot – Sale and/or Rental of New/Used Manufactured Homes, Prefabricated Structures or Any Other Good or Service Sold and/or Displayed in an Outdoor Environment [Ord. 3047, July 12, 2006]
10. Participant Sports and Recreation – Bowling Alleys, Arcades, Youth Centers, Martial Arts Studios, Dance Studios, Health Clubs, Fitness Centers, Gymnasiums or Billiard Parlors Within Enclosed Buildings; and Driving Ranges, Miniature Golf Courses, or Hunting and Fishing Camps or Ranges in Open Facilities, Excluding Firearm Ranges [Ord. 3047, July 12, 2006]
11. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
12. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
13. Research Services – Electronics Research Laboratories, Space Research and Development Firms, Soil and Material Testing Labs, or Pharmaceutical Research Labs
14. Transient Habitation: Campground - Limited to RV Parks

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - Two Thousand Five Hundred (2,500) Square Feet or as specified in the Goal 9 Policies of the Comprehensive Plan. For lots with existing areas of two and one half (2½) acres or more, an approved Master Plan shall govern proposed uses, development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for commercial and industrial employment in accordance with Goal 9 of the Comprehensive Plan, and shall provide for the maximum use of the lots reasonably feasible consistent with all other applicable requirements of law. [Ord. 3047, July 12, 2006]
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.010 - INTERCHANGE COMMERCIAL (IC)

A. PURPOSE: The purpose of this zone is to provide commercial services and goods in places conveniently and safely accessible to highways. The primary function of the highway-related Commercial Zone is to serve automobile-associated travelers and is most appropriate adjacent to freeway interchanges, convenient to freeway ingress and egress, and in areas likely to be developed as freeways, and along Federal and State highways.

B. PERMITTED USES:

1. Accessory Uses – Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs - Including Billboard Signs
2. Automotive and Equipment: Cleaning – Auto Laundries, Auto Detailing, or Car Washes
3. Automotive and Equipment: Repairs, Light Equipment – Muffler Shops, Auto Repair Garages or Auto Glass Shops
4. Automotive and Equipment: Sales/Rentals, Light Equipment – Automobile Dealers, or Car Rental Agencies or Recreational Vehicles Sales and Rental Agencies
5. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Micro-Breweries [Ord. 3047, July 12, 2006]
6. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
7. Food and Beverage Retail Sales – Groceries, Liquor Stores, Retail Sales of Food, or Delicatessens **[Ord. 3047, July 12, 2006]**
8. Gasoline Sales - Limited to Truck Stops, Convenience Stores and Storage or Sale of Liquefied Petroleum Gas [Ord. 3006, Feb. 5, 2003]
9. Parking Services – Parking Services Involving Garages and Lots [Ord. 2973, Feb. 7, 2001]
10. Repair Services – Appliance Repair Shops, Apparel Repair Firms or Instrument Repair Firms
11. Retail Sales – Businesses Engaged in Sale of Commonly Used Goods and Merchandise
12. Transient Habitation: Lodging – Motels, Hotels, and Bed and Breakfasts
13. Transportation Services – Taxi Services and Bus Depots [Ord. 3006, Feb. 5, 2003]

C. CONDITIONAL USES:

1. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
2. Extensive Impact Services and Utilities – Fairgrounds, Public Safety Buildings, Parks, Public Sports Arenas, Golf Courses, Microwave Relay Stations, or Other Communication Structures, Electrical Transmission Lines, Substations, and Electrical Generation Facilities
3. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
4. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
5. Transient Habitation: Campground – Recreational Vehicle Parks
6. Transient Habitation: Resort – Resort and Recreational Facilities, Health Spas, Resort Hotels and Motels

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - Two Thousand Five Hundred (2,500) Square Feet or as specified in the Goal 9 Policies of the Comprehensive Plan. For lots with existing areas of two and one half (2½) acres or more, an approved Master Plan shall govern proposed uses, development

patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for commercial and industrial employment in accordance with Goal 9 of the Comprehensive Plan, and shall provide for the maximum use of the lots reasonably feasible consistent with all other applicable requirements of law. [Ord. 3047, July 12, 2006]

2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards – See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.011 - LIGHT INDUSTRIAL (M-1)

A. PURPOSE: The purpose of this zone is to provide for areas where manufacturing, storage, sorting and wholesaling distribution can be undertaken in close proximity to one another without encroaching upon the character of the adjacent land uses. It is not the purpose of the Light Industrial Zone to permit the processing of raw materials for shipment in bulk form to be used in an industrial location elsewhere. It is the intent of this zone to implement the Comprehensive Plan designation of a Light Industrial land use.

B. PERMITTED USES:

1. Accessory Uses – Caretaker's Residences, Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs – Including Billboard Signs
2. Custom Manufacturing – Ceramic Studios, Candle-Making Shops or Custom Jewelry Manufacture
3. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
4. General Industrial – Manufacturing, Compounding, Processing, Assembling, Packaging, Treatment or Fabrication of Materials and Property, Cabinet Shops, Textiles and Metal Fabrication
5. Research Services – Electronics Research Laboratories, Space Research and Development Firms, Soil and Material Testing Labs, or Pharmaceutical Research Labs
6. Wholesaling, Storage and Distribution: Heavy – Monument or Stone Yards, Open Storage Yards
7. Wholesaling, Storage and Distribution: Light – Limited to Wholesale Distributors, Storage Warehouses, Moving and Storage Firms. Excludes Mini-Warehouses [Ord. 3047, July 12, 2006]
8. Wholesaling, Storage and Distribution: Storage – RV Storage, Household Storage and Personal Storage

C. CONDITIONAL USES:

1. Agricultural Supplies and Services – Feed and Grain Stores, Crop Dusting or Tree Service Firms [Ord. 3047, July 12, 2006]
2. Airport-Heliport – Private and Publicly Operated Commercial Airports and Heliports
3. Animal Sales and Services: Veterinary, Large Animals – Animal Hospitals or Veterinary Hospitals [Ord. 3047, July 12, 2006]
4. Automotive and Equipment: Fleet Storage – Taxi Fleets, Mobile Catering Truck Storage or Auto Storage Garages [Ord. 3047, July 12, 2006]
5. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups [Ord. 3047, July 12, 2006]
6. Automotive and Equipment: Sales/Rentals, Farm Equipment – Farm Equipment Dealers [Ord. 3047, July 12, 2006]
7. Automotive and Equipment: Sales/Rentals, Heavy Equipment – Aircraft Dealers, Boat Dealers, or Heavy Construction Equipment Dealers [Ord. 3047, July 12, 2006]
8. Automotive and Equipment: Storage, Non-Operating Vehicles - Storage of Private Parking Tow-Aways or Impoundment Yards [Ord. 3047, July 12, 2006]
9. Building Maintenance Services – Janitorial, Landscape Maintenance, or Window Cleaning Services [Ord. 3047, July 12, 2006]
10. Communications Services – Television Studios, Radio Stations, Telecommunication Service Centers or Telegraph Service Offices [Ord. 3047, July 12, 2006]
11. Construction Sales and Services – Building Materials Stores, Tool and Equipment Rental or Sales, or Building Contractors [Ord. 3047, July 12, 2006]

12. Extensive Impact Services and Utilities – Sanitary Landfills, Airports, Detention and Correction Institutions, Fairgrounds, Public Safety Buildings, Parks, Public Sports Arenas, Golf Courses, Vehicular Raceways, Microwave Relay Stations, or Other Communication Structures, Electrical Transmission Lines, Substations, and Electrical Generation Facilities
13. Laundry Services – Laundry Agencies, Diaper Services or Linen Supply Services [Ord. 3047, July 12, 2006]
14. Postal Services – Mailing Services Excluding Major Processing [Ord. 3047, July 12, 2006]
15. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
16. Scrap Operations – Junk Yards, Paper Salvage Yards, Auto Salvage Yards or Appliance Salvage Yards
17. Solid Waste Recycling Centers

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - No Minimum Lot Size, unless specified in the Goal 9 Policies of the Comprehensive Plan. For lots with existing areas of two and one half (2½) acres or more, an approved Master Plan shall govern proposed uses, development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for commercial and industrial employment in accordance with Goal 9 of the Comprehensive Plan, and shall provide for the maximum use of the lots reasonably feasible consistent with all other applicable requirements of law. [Ord. 3047, July 12, 2006]
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.012 - HEAVY INDUSTRIAL (M-2)

A. PURPOSE: The purpose of this zone is to provide for areas where large areas of land are needed for the fabrication, processing, and movements of raw materials and where the potential impacts of noise, odor, vibration, glare, and/or heat are least likely to affect adjacent land uses. The Heavy Industrial Zone is intended to implement the Comprehensive Plan designation of a Heavy Industrial land use.

B. PERMITTED USES:

1. Accessory Uses – Caretaker's Residences, Garages, Sheds For Storage of Lawn Equipment or Wood, and Signs – Including Billboard Signs
2. Agricultural Supplies and Services – Feed and Grain Stores, Crop Dusting or Tree Service Firms
3. Automotive and Equipment: Automotive Wrecking Yard
4. Automotive and Equipment: Fleet Storage – Taxi Fleets, Mobile Catering Truck Storage or Auto Storage Garages
5. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups [Ord. 2973, Feb. 7, 2001]
6. Automotive and Equipment: Sales/Rentals, Heavy Equipment – Aircraft Dealers, Boat Dealers, or Heavy Construction Equipment Dealers
7. Automotive and Equipment: Storage, Non-Operating Vehicles - Storage of Private Parking Tow-Aways or Impoundment Yards
8. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
9. Extensive Impact Services and Utilities - Limited to Fire Stations, Communication Structures, and Utility Substations
10. General Industrial – Manufacturing, Compounding, Processing, Assembling, Packaging, Treatment or Fabrication of Materials and Property, Cabinet Shops, Textiles and Metal Fabrication
11. Heavy Industrial – Processing of Raw Materials and Tannery
12. Scrap Operations – Junk Yards, Paper Salvage Yards, Auto Salvage Yards or Appliance Salvage Yards
13. Solid Waste Transfer Facility
14. Wholesaling, Storage and Distribution: Heavy – Monument or Stone Yards, Grain Elevators, Open Storage Yards or Petroleum Storage Facilities
15. Wholesaling, Storage and Distribution: Storage in Association with an Authorized Manufacturing Operation. [Ord. 3047, July 12, 2006]

C. CONDITIONAL USES:

1. Airport-Heliport – Private and Publicly Operated Commercial Airports and Heliports
2. Automotive and Equipment: Sales/Rentals, Farm Equipment – Farm Equipment Dealers [Ord. 3047, July 12, 2006]
3. Communications Services – Television Studios, Radio Stations, Telecommunication Service Centers or Telegraph Service Offices [Ord. 3047, July 12, 2006]
4. Extensive Impact Services and Utilities – Sanitary Landfills, Airports, Detention and Correction Institutions, Fairgrounds, Public Safety Buildings, Parks, Public Sports Arenas, Golf Courses, Vehicular Raceways, Microwave Relay Stations, or Other Communication Structures, Electrical Transmission Lines, Substations, and Electrical Generation Facilities

5. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
6. Research Services – Electronics Research Laboratories, Space Research and Development Firms, Soil and Material Testing Labs, or Pharmaceutical Research Labs [Ord. 3047, July 12, 2006]

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - No Minimum Lot Size, unless specified in the Goal 9 Policies of the Comprehensive Plan. For lots with existing areas of two and one half (2½) acres or more, an approved Master Plan shall govern proposed uses, development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for commercial and industrial employment in accordance with Goal 9 of the Comprehensive Plan, and shall provide for the maximum use of the lots reasonably feasible consistent with all other applicable requirements of law. [Ord. 3047, July 12, 2006]
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.013 – PUBLIC FACILITIES (PF) [Ord. 2973, Feb. 7, 2001]

A. PURPOSE: The purpose of this zone is to provide areas primarily for the location and establishment of facilities which are maintained in public and quasi-public ownership and which utilize relatively large areas of land. The zone is intended to provide immediate recognition of such areas upon the official Zoning Map and reduce the impact of public uses on private land inventories. Typical uses permitted in the PF Zone include, but are not limited to: City Parks, Schools and Colleges, Libraries, Government Office and Shop Facilities and Cemeteries. This zone is not the only zone in which public or semi-public uses may locate.

B. PERMITTED USES:
1. Cemeteries – Public or Private
2. Community Education – Public, Private and Parochial Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
3. Community Recreation – Governmental or Non-Profit Operated Recreational, Social or Multi-Purpose Uses Within Buildings
4. Congregate Residence - Dormitory, Fraternity or Sorority House, or Other Student Housing Accessory to a Community Education Facility
5. Cultural Exhibits and Library Services – Non-Profit Museum-Like Preservation and Exhibition of Works of Art or Library Collection
6. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles
7. Extensive Impact Services and Utilities – Limited to Parks and Police Station
8. Group Care Residential – Limited to Family Day Care Provider
9. Parking Services – Accessory to a Permitted Use
10. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy

C. CONDITIONAL USES:
1. Animal Sales and Services: Horse Keeping – Horse Racing
2. Civic Administrative Services – Consulting, Record Keeping, Clerical or Public Contact Services Dealing With Citizens
3. Civic Administrative Services – Government Services
4. Clinic Services – Non-Profit Medical Services
5. Extensive Impact Services and Utilities – Limited to Fire Stations, Utility Substations, Ambulance Services, Utility Substations, Fairgrounds and Public Works Shops and Materials/Equipment Storage
6. Neighborhood Convenience Center or Commercial Use Accessory to a Permitted Use
7. Parking Services – Parking Services Involving Garages and Lots not Accessory to a Permitted Use
8. Postal Services – Mailing Services

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - No Minimum Lot Size
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.

7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Signs - See Chapter 5, Article 5.8.
10. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
11. Business Initiation Form – See Chapter 8, Article 8.2.
12. Temporary Use - See Chapter 8, Article 8.3.

SECTION 2.2.014 – BUSINESS PARK (BP) [Ord. 2989, Dec. 5, 2001]

A. PURPOSE: The purpose of this zone is to provide areas for the establishment of light manufacturing and warehousing uses in a park-like setting, with flexibility for siting of certain commercial/office uses where appropriate. In general, commercial and professional office uses (if any) should be sited in portions of the zone with good street visibility, with manufacturing and warehousing uses located on less visible sites. The Business Park (BP) Zone is more restrictive than conventional industrial or commercial zones in order to provide buildings that have architectural excellence, grounds that have an abundance of landscaping and land uses that are non-polluting. The Zone should be established only on large tracts of land abutting a collector or arterial street.

B. PERMITTED USES:

1. Accessory Uses – Food or Drink Service Providers or Personal Service Providers That Are Built as an Integral Part of the Main Use
2. Building Maintenance Services – Janitorial, Landscape Maintenance, or Window Cleaning Services
3. Business Equipment Sales and Services – Office Equipment and Supply Firms, Small Business Machine Shops or Hotel Equipment and Supply Firms
4. Business Support Services – Secretarial Services, Telephone Answering Services, or Blueprint Services
5. Commercial Administrative and Professional Services – Administrative Offices, Legal Offices, Architectural, Engineering, Surveying, or Consulting Firms
6. Communications Services – Television Studios, Radio Stations, Telecommunication Service Centers or Telegraph Service Offices
7. Custom Manufacturing – Such as, But Not Limited to Ceramic Studios, Candle-Making Shops or Custom Jewelry Manufacture
8. Essential Services – Streets, Roads, Alleys, Public Rights-Of-Way, Pipelines, Power Lines, Distribution Feeders and Poles
9. Financial, Insurance and Real Estate Services – Banks, Insurance Agencies, Real Estate Appraisal, or Real Estate Firms
10. General Industrial – Manufacturing, Compounding, Processing, Assembling, Packaging, Treatment or Fabrication of Materials and Property, Cabinet Shops, Textiles and Metal Fabrication, Provided Such Uses Comply With the Performance Standards of This Section
11. Laundry Services – Laundry Agencies, Diaper Services or Linen Supply Services
12. Medical Services – Dental Laboratories or Health Maintenance Organizations
13. Personal Services – Photography Studios, Driving Schools, Barber Shops, Hair Salons, or Reducing Salons
14. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
15. Research Services – Electronics Research Laboratories, Space Research and Development Firms, Soil and Material Testing Labs, or Pharmaceutical Research Labs
16. Transportation Services – Taxi Services and Bus Depots
17. Wholesaling, Storage and Distribution: Light – *Limited to* Wholesale Distributors, Storage Warehouses, Moving and Storage Firms, *Excludes Mini-Warehouses*

C. CONDITIONAL USES:

1. Cultural Exhibits and Library Services – Limited to Non-Profit Museum-Like Preservation and Exhibition of Works of Art

2. Eating and Drinking Establishments – Restaurants, Short Order Eating Places, Bars or Micro-Brewery
3. Extensive Impact Services and Utilities – Limited to Public Safety Buildings, Substations, and Electrical Generation Facilities
4. Group Care Residential – Limited to Day Nursery
5. Participant Sports and Recreation – Bowling Alleys, Arcades, Youth Centers, Martial Arts Studios, Dance Studios, Health Clubs, Fitness Centers, Gymnasiums or Billiard Parlors Within Enclosed Buildings; and Driving Ranges, Miniature Golf Courses, or Hunting and Fishing Camps or Ranges in Open Facilities
6. Postal Services – Mailing Services Excluding Major Processing
7. Spectator Sports and Entertainment – Small Theaters, Meeting Halls, Large Exhibition Halls, Service Club and Membership Organizations, Social and Fraternal Orders, or Sports Stadiums, Excludes Extensive Impact Use Types
8. Other Uses Not Listed Above Provided the Planning Commission Finds That Such Use Complies With the Purpose of the Zone and the Conditional Use Permit Criteria. In Such Cases, a Recommendation Shall be Sought From the Business Park Owner's Association, Should One Exist.

D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - One Half (1/2) Acre for Lots Intended Primarily for Commercial or Office Use and One (1) Acre for Lots Intended Primarily for Industrial or Warehouse Use, unless specified in the Goal 9 Policies of the Comprehensive Plan. For lots with existing areas of two and one half (2½) acres or more, an approved Master Plan shall govern proposed uses, development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The Master Plan shall be used to maximize the long-term potential for commercial and industrial employment in accordance with Goal 9 of the Comprehensive Plan, and shall provide for the maximum use of the lots reasonably feasible consistent with all other applicable requirements of law. [Ord. 3047, July 12, 2006]
2. Lot Size and Shape - See Chapter 5, Article 5.2.
3. Building Setbacks and Yards - See Chapter 5, Article 5.3.
4. Distance Between Buildings - See Chapter 5, Article 5.3.
5. Building Heights - See Chapter 5, Article 5.4.
6. Fences, Hedges and Walls - See Chapter 5, Article 5.5.
7. Landscaping - See Chapter 5, Article 5.6.
8. Parking and Loading - See Chapter 5, Article 5.7.
9. Performance Standards:
   a. Air Pollution: There Shall be No Emission of Air Pollutants Unless an Air Discharge Permit is Issued by the Oregon Department of Environmental Quality.
   b. Building Design: Architectural Design Standards Within the Business Park Covenants Shall be Met or Exceeded.
   c. Incineration: There Shall be No Incineration of Waste Material Allowed.
   d. Landscaping: In Addition to Complying With the Landscaping Provisions of this Code, Site Landscaping Shall Follow the Theme Established in the Common Areas of the Business Park. Natural Vegetation Shall be Maintained in Wetland Areas.
   e. Lighting: Light Poles Shall Not Exceed a Height of Twenty-Five Feet (25'). Cut-Off Fixtures Shall be Used. Average Horizontal Illumination Levels on the Ground and Average Illumination Levels on a Vertical Surface Shall Not Exceed 1.5 Foot Candles as Demonstrated by a Photometric Report.

f. Noise: In No Event Shall the Peak Intensity of Sound Exceed 85 dBA Between 7:00 a.m. and 10:00 p.m. and 55dBA Between 10:00 p.m. and 7:00 a.m.
g. Storm Water: Storm Water Discharge Shall be Dealt With in Compliance With a Storm Water Management Plan Adopted for the Entire Business Park.
h. Vibration: There Shall be No Activity on Any Site Which Causes Ground Vibration Which is Perceptible, Without Instruments, at the Boundary Line of the Site.
i. Wastes: There Shall be No Wastes Maintained on a Site That Generates Odorous, Unsightly or Unsanitary Effects Beyond the Site. Sewage Shall be Pre-Treated if Required by the City Sewer Code. Waste Shall Not be Discharged Onto the Ground or Into a Waterway. Adequate Waste Disposal Facilities and Services Shall be Provided Prior to Site Occupancy.

10. Signs - See Chapter 5, Article 5.8.
11. Vehicular Access and Circulation - See Chapter 6, Article 6.2.
12. Business Initiation Form – See Chapter 8, Article 8.2.
13. Temporary Use - See Chapter 8, Article 8.3.

CHAPTER 3 - SPECIAL USE STANDARDS

ARTICLE 3.1 - BASIC PROVISIONS

SECTION 3.1.001 - PURPOSE

The purposes of this chapter are to establish overlying zones, supplementary property development standards, and limitations for special land uses which have been identified because of particular characteristics. These characteristics, whether valuable resources, hazards, or special uses, must be carefully regulated in terms of all development proposals.

SECTION 3.1.002 - APPLICATION

The standards in this Chapter relate to the special characteristics of the uses identified in Section 3.1.003 and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Code. In the event that the standards contained in this Chapter differ from other applicable standards of this Code, the more stringent standards shall prevail.

SECTION 3.1.003 - STANDARDS PROVIDED

This Chapter prescribes standards for uses, location, design, and operation of the following special uses:

Manufactured Dwellings, Single Family, Two-Family and Apartment Buildings – Article 3.2 [Ord. 2989, Dec. 5, 2001]
Recreational Vehicle Park - Article 3.3
Geological Hazards - Article 3.4
Historic Buildings and Sites - Article 3.5
Archaeological Resources - Article 3.6
Planned Unit Development - Article 3.7
Heliport Standards - Article 3.8
Riparian Protection Area - Article 3.9
Dust Control Standards - Article 3.10
Limited Use Overlay Designation - Article 3.11
Flood Plains - Article 3.12
Agricultural Use Types – Article 3.13
Accessory Uses – Article 3.14
Livestock Uses – Article 3.15
Nonconforming Uses – Article 3.16
Specific Plan Overlay – Article 3.17
Outdoor Storage – Article 3.18 [Ord. 2989, Dec. 5, 2001]
Wetland Protection Areas – Article 3.19

ARTICLE 3.2 - MANUFACTURED DWELLINGS, SINGLE FAMILY, TWO-FAMILY AND APARTMENT BUILDINGS

SECTION 3.2.001 - STANDARDS FOR MANUFACTURED DWELLINGS, SINGLE FAMILY, TWO-FAMILY AND APARTMENT BUILDINGS ON INDIVIDUAL LOTS

This Article establishes placement standards and procedures for placing a manufactured dwelling, single family building, two-family dwelling or apartment building on an individual lot in the HD, RR-1, R-1, R-2, R-3 and R-P Zones; and further establishes design standards for single family dwellings, two-family dwellings, apartment dwellings and manufactured homes. [Ord. 2989, Dec. 5, 2001]

SECTION 3.2.002 - DWELLING STANDARDS PURPOSE AND INTENT [Ord. 2989, Dec. 5, 2001]

The purpose of this Article is to provide an opportunity for placement or construction of residences that meet dwelling placement standards on individual lots in the HD, RR-1, R-1, R-2, R-3, and R-P Residential zones, provided that nothing herein shall be construed as abrogating a recorded restrictive covenant. [Ord. 2989, Dec. 5, 2001]

The provisions contained herein are intended to provide a wider choice of housing types to accommodate the life-styles and economic levels of the projected population. It is further intended that these provisions will foster quality housing that will comply with all City and State regulations and minimize land use conflicts with the surrounding area.

SECTION 3.2.003 - MANUFACTURED DWELLING, SINGLE FAMILY, TWO-FAMILY AND APARTMENT BUILDING PLACEMENT STANDARDS ON INDIVIDUAL LOTS

The manufactured dwelling shall adhere to standards A through H and single family, two-family and apartment buildings shall adhere to standards E through H: [Ord. 2989, Dec. 5, 2001]

A. Be constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981, be multi-sectional (double wide or wider) and enclose a floor area of not less than one thousand (1,000) square feet in the HD, RR-1 and R-1 Zones, nine hundred (900) square feet in the R-2, R-3, and R-P Zones. Single wide manufactured dwellings, including expandable units, pop-outs and tilt-outs shall be allowed in manufactured dwelling parks only. [Ord. 2989, Dec. 5, 2001]

B. Be placed on an excavated and/or backfilled foundation and the open portion under the home enclosed with pressure treated wood, masonry, or concrete walls, so that the top of the perimeter wall is not more than eight inches (8") above the finish ground level, except on a sloping lot where the top of the perimeter wall shall be not more than eight inches (8") above the finish ground level at its highest point along the perimeter wall; complying with the minimum set-up standards of the adopted Oregon Manufactured Dwelling Standard.

   When pressure treated wood is used for the perimeter wall, a covering, similar in appearance to the manufactured dwelling siding, or to a finished concrete wall, will be used to cover the wall.

C. The manufactured dwelling shall have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically

used for single family residential construction. Manufactured dwellings on individual lots shall not have bare metal siding or roofing.

D. Not be sited adjacent to any structure listed as a locally designated historic landmark or national register property and shall not be sited within or adjacent to a local or national historic district.

E. A manufactured dwelling, single family, two-family or apartment building shall have all of the following design features when placed outside of a manufactured dwelling park. [Ord. 2989, Dec. 5, 2001]

1. A roof pitch greater than or equal to a nominal three to twelve (3:12). (The only exception to this rule shall be triple-wide manufactured homes, where a roof pitch of 2½:12 or greater is allowed.) [Ord. 2973, Feb. 7, 2001]

2. Covered porch entries. (Only the main or front entrance must be covered. Secondary or rear entrances need not be covered. A covered, recessed entryway (see (F)(10) below) may be substituted for a covered porch to meet this standard.) [Ord. 2973, Feb. 7, 2001]

3. Pre-landscaped front yards; if bonding, the bond amount shall not exceed five hundred dollars ($500) per lot. Building Site Plans shall specify front yard landscaping that will be in place (seeded or installed) prior to occupancy. At a minimum, such Plans shall provide for grass or decorative ground cover (bark, decorative rock or vegetative ground cover). It is not necessary to locate shrubs and/or trees at this stage, except for street trees required by the Subdivision or Partition Plat approval). [Ord. 2973, Feb. 7, 2001]

4. At least one (1) covered parking space per dwelling unit. [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

F. A manufactured dwelling, single family, two-family or apartment building shall have at least five (5) of the following design features when placed outside of a manufactured dwelling park: [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

1. Attached garage or covered parking for at least one (1) vehicle per dwelling unit (an attached carport meets this standard; detached covered parking does not). [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

2. Bay or bow windows (the provision of one (1) such window per dwelling unit is sufficient). [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

3. Dormers (the provision of one [1] such roof feature per dwelling unit is sufficient). [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

4. Eaves (minimum twelve inch [12"] projection) (twelve inch [12"] eaves shall be provided on all sides of the building to meet this standard) [Ord. 2973, Feb. 7, 2001]

5. Fences, decks and patios (to meet this standard, fencing must be provided along at least twenty-five percent (25%) of the lot circumference; the minimum size for a deck or patio to qualify is sixty-four (64) square feet). Dwellings with one (1) or more listed feature meeting these standards shall be given credit for meeting one (1) or more of the required design standards. [Ord. 2973, Feb. 7, 2001; Ord. 2989, Dec. 5, 2001]

6. Front porch and entry facing the front property line (entryway can be located on the long or short axis of the dwelling) [Ord. 2973, Feb. 7, 2001]

7. Masonry perimeter enclosure at base, such as poured concrete foundation (wood products covered with a treatment to appear as masonry do not qualify) [Ord. 2973, Feb. 7, 2001]

8. Off-sets on building face or roof minimum twelve inches (12") (the provision of one such roof or facade feature is sufficient) [Ord. 2973, Feb. 7, 2001]

9. Pillars or posts (requires at least one pair, decorative or plain, but finished in a manner that is consistent with the dwelling exterior) [Ord. 2973, Feb. 7, 2001]

10. Recessed entries (the depth of the recessed entry shall be at least eighteen inches (18") to qualify) [Ord. 2973, Feb. 7, 2001]

11. Structural additions to alter the shape of the structure (any feature not listed above that alters the rectangular or square shape of the dwelling will be considered; an attached garage or carport that provides an altered roof line or wall orientation compared to the dwelling complies as well) [Ord. 2973, Feb. 7, 2001]

12. Window shutters (shall be provided for all windows to meet this standard) [Ord. 2973, Feb. 7, 2001]

G. Plans indicating the requisite number of architectural features will be required upon application to the Community Development Department/Planning Division. No Final Inspection for Occupancy will be approved until compliance is confirmed.

H. Additions to all dwelling units shall be architecturally compatible with the original building, as determined by the Community Development Director/Planner. Similar siding and roofing materials and colors are required unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within one hundred feet (100'). [Ord. 2989, Dec. 5, 2001]

I. All dwelling units and accessory buildings shall have fire protection. For all structures located outside of a Fire District, a Fire Protection Agreement with a Fire District shall be established prior to obtaining a Building Permit. The Fire Protection Agreement shall be maintained until such structures are located within a Fire District. [Ord. 3047, July 12, 2006]

SECTION 3.2.004 - MANUFACTURED DWELLING AND SINGLE FAMILY BUILDING PERMIT PROCEDURES

All required permits shall be available from the Building Official. The applicant for a permit shall submit evidence that the manufactured dwelling or single family building complies with Section 3.2.003 of this Ordinance in the form and content required by the Building Official.

SECTION 3.2.005 - MANUFACTURED DWELLING PARKS PURPOSE AND INTENT

The purpose of this Section is to permit and encourage the location of single family manufactured dwellings in manufactured dwelling parks in the high density residential area; to provide minimum development standards which will enhance the appearance of manufactured dwelling parks within residential neighborhoods and which will help to minimize land use conflicts and to provide a process for Site Plan review in order to ensure compliance with the provisions of this Ordinance.

SECTION 3.2.006 - MANUFACTURED DWELLING PARK GENERAL REQUIREMENTS

A. A manufactured dwelling park is a Conditional Use in the R-2 Medium Density Residential and R-3 High Density Residential Zones. [Ord. 3006, Feb. 5, 2003]

B. A manufactured dwelling park shall be used for manufactured dwellings and their accessory uses and may include or require recreation facilities.

C. The design for a manufactured dwelling park shall conform to all applicable State manufactured dwelling park standards administered by the Oregon Building Codes Division.

D. Final Area Development Approval is required by the Oregon Building Codes Division prior to occupancy of a new manufactured dwelling park.

E. Permits shall be obtained from the Community Development Department/Building Division for placement of manufactured dwellings in manufactured dwelling parks after approval of the park for occupancy. A final inspection of the manufactured dwelling must be approved prior to occupancy.

SECTION 3.2.007 - MANUFACTURED DWELLING PARK APPLICATION REQUIREMENTS AND APPROVAL PROCEDURE

A Site Plan of a proposed manufactured dwelling park shall be filed and approved in accordance with the following procedure:

A. Preliminary Site Plan

Fifteen (15) copies together with a maximum size eleven inch by seventeen inch (11" x 17") reproducible black and white copy of a Preliminary Site Plan shall be submitted to the City Community Development Department/Planning Division for processing and approval. The Preliminary Site Plan shall be drawn to a scale of not smaller than one inch equals one hundred feet (1" = 100'), and shall include the information requirements of Chapter 8, any information listed on the application submittal checklist, and shall include the park design and improvement standards of Section 3.2.008, herein. [Ord. 2973, Feb. 7, 2001; Ord. 3006, Feb. 5, 2003]

1. The City Community Development Department/Planning Division shall transmit a copy of the Site Plan to the City Engineer or Engineering Superintendent, City Building Official, City Fire Chief, and other appropriate agencies for review and evaluation of Code compliance.

2. The City Community Development Department/Planning Division shall schedule a pre-hearing conference with the applicant within ten (10) business days after the application has been deemed complete to discuss the proposal with the appropriate City Departments and other interested agencies. [Ord. 2973, Feb. 7, 2001; Ord. 3006, Feb. 5, 2003]

3. Within ten (10) business days following the pre-hearing conference, the Community Development Department/Planning Division shall notify the applicant in writing of any deficiencies that must be corrected before the application is referred to the Planning Commission for a public hearing and a decision. [Ord. 3006, Feb. 5, 2003]

B. Final Site Plans

Following the pre-hearing conference, the applicant shall submit final plans to the City Community Development Department/Planning Division and City Community Development

Department/Building Division. The final plans shall incorporate any required changes to comply with City and State standards. After reviewing the final plan for compliance, the Community Development Director/Planner shall include said Plan in the applicant's submittal to the Planning Commission for a Conditional Use Permit. The City Building Official must approve any sewer and water plans prior to issuing Permits. [Ord. 3006, Feb. 5, 2003]

SECTION 3.2.008 - MANUFACTURED DWELLING PARK DESIGN AND IMPROVEMENT STANDARDS

In addition to the Site Plan requirements of Chapter 8, the Site Plan shall include the following:

A. A manufactured dwelling park shall have a minimum area of two (2) acres.

B. Each manufactured dwelling space shall have a minimum width of thirty-five feet (35') and a minimum depth of ninety feet (90').

C. Interior street shall have a minimum width of thirty feet (30') with a sidewalk four feet (4') in width. Interior streets may be reduced to twenty feet (20') in width where no parking is enforced and an equal amount of off-street parking is provided in each block, such parking bays or interior parking lots. Streets and parking areas shall be paved with a minimum of two inches (2") asphalt concrete paving.

Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on State highways or County or public roads shall be subject to the approval of the agency having responsibility for the public road.

D. Each manufactured dwelling space shall have at least two (2) ten foot by twenty foot (10' x 20') paved parking spaces. At least one (1) additional off-street parking space shall be provided for every three (3) manufactured dwelling spaces in the manufactured dwelling park.

E. A separate recreational play area shall be provided in manufactured dwelling parks that accommodate children under fourteen (14) years of age. Such play area shall be at least two thousand five hundred (2,500) square feet in area, plus one hundred (100) square feet for each manufactured dwelling space under four thousand (4,000) square feet.

Recreational play areas must include at least three (3) of the following improvements, adequate to meet the recreational needs of tenants, and subject to the approval of the Planning Commission:

1. Bar-B-Que, pit and picnic tables
2. Horseshoe pits
3. Hot tub
4. Landscaping, including a turf play area
5. Playground equipment
6. Seating and observation areas
7. Swimming pool
8. Tennis court
9. Volleyball court
10. Any other recreational facility similar in nature to those listed as approved by the Planning Commission

F. A manufactured dwelling park shall include a storage area for accessory equipment such as boats, utility and recreation trailers, park maintenance equipment and the like.

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

G. All utilities in the manufactured dwelling park shall be installed underground.

H. A decorative sight obscuring fence in combination with shrubbery landscaping shall be provided along the perimeter public streets and it shall be the continuing responsibility of the manufactured dwelling park owner to provide its permanent maintenance. Such fencing and shrubbery shall be no less than six feet (6') in height, except within the clear vision area at street and driveway intersections where it shall comply with the Clear Vision Area or "Sight Triangle" standards in Section 5.6.002 of this Code. [Ord. 3006, Feb. 5, 2003]

I. A manufactured dwelling park shall have a sewer and water system approved by the City of La Grande prior to the placement of manufactured dwellings. Engineered plans shall be submitted as part of the Site Plan requirements.

J. All street, sewer, and water connections to City Public Works facilities shall be approved by the City Engineer or Engineering Superintendent.

K. No building or structure shall exceed twenty feet (20') in height.

L. Manufactured dwelling parks shall be landscaped as required in Article 5.6 of this Code.

SECTION 3.2.009 - STANDARDS FOR PLACEMENT OF MANUFACTURED DWELLINGS IN MANUFACTURED DWELLING PARKS

A. A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; and is constructed for movement on the public highways, has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.

B. Placement of manufactured dwellings shall comply with the regulations of the Oregon Manufactured Dwelling Standard and, except for a structure which conforms to the Oregon Manufactured Dwelling Standard definition of a manufactured dwelling accessory structure, building, or garage, no extension shall be attached to a manufactured dwelling.

C. All perimeter manufactured dwelling spaces within a manufactured dwelling park shall be restricted to double wide manufactured dwellings with a pitched non-metal roof except where such interior spaces abut another manufactured dwelling park or manufactured dwelling subdivision.

D. Manufactured dwellings and any accessory structures in a manufactured dwelling park shall comply with the following minimum setbacks:

1. Fifteen feet (15') between manufactured dwelling and from any park buildings;

2. Six feet (6') from any detached accessory building, deck, landing, steps, ramp, awning or carport on an adjacent lot and from any garage on the same or adjacent lot;

3. Three feet (3') from any accessory building on the same lot;

4. Twenty-five feet (25') from any abutting public street right-of-way;

5. Ten feet (10') from the manufactured dwelling park interior property boundary line, except that special setbacks may be required in areas with scenic impact and where the manufactured dwelling park adjoins frame dwelling residential units. The required setback shall be shown on the final Site Plan.

E. Manufactured dwellings shall have continuous skirting between the manufactured dwelling and the ground and must be installed within thirty (30) days after placement. Skirting shall be of materials approved in the Oregon Manufactured Dwelling Standards.

F. Manufactured dwellings shall have a minimum gross floor area of five hundred (500) square feet.

SECTION 3.2.010 - MANUFACTURED DWELLING PARK PERFORMANCE GUARANTEE

The developer/owner shall enter into an agreement with the City of La Grande guaranteeing faithful performance of all required improvements.

The agreement shall be in accordance with the procedures and specifications outlined in Chapter 8.

SECTION 3.2.011 - MANUFACTURED DWELLING PARK EXPIRATION OF APPROVAL

Approval of the preliminary Site Plan shall expire eighteen (18) months from the date of approval if the required final plans have not been submitted.

Approval of the final plans (Site Plan, sewer facilities plan, and water supply plans) shall expire twelve (12) months from the date of approval unless construction has begun.

ARTICLE 3.3 - RECREATIONAL VEHICLE PARK

SECTION 3.3.001 - PURPOSE

This Section provides specific uniform standards for recreational vehicle parks which are allowed in some zones as Conditional Uses in addition to the normal standards of the zone in which they are located and in addition to any conditions of approval which may be imposed by the Planning Commission under Section 8.5.004(F) of this Code.

SECTION 3.3.002 - STANDARDS

A recreational vehicle park shall conform to State regulations and the following standards and requirements.

A. The required Site Plan shall reflect the standards of this Section and shall include the plot plan requirements of the State Health Division with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout, and park design. The application shall also be accompanied by any such information as listed on the application submittal checklist.

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

C. The park shall consist of four (4) or more recreational vehicle spaces.

D. A recreational vehicle space shall have an area of not less than seven hundred (700) square feet exclusive of driveways and common areas.

E. Roadways shall have a minimum width of thirty feet (30'), or a minimum width of twenty feet (20') where parking is not permitted and an equal amount of off-road parking is provided. Roadways shall be paved in accordance with City standards.

F. Each recreation vehicle space shall have at least one (1) ten foot by twenty foot (10' x 20') parking space exclusive of the recreation vehicle itself. Parking and driveway areas shall be paved or covered with crushed rock.

G. Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct reflection onto abutting property.

H. The park shall be screened on all sides by a sight-obscuring planting screen, fence, or combination thereof. The park owner shall be responsible for its permanent maintenance.

I. The park shall provide piped potable water to accommodate recreation vehicles in need of such service. One (1) waste disposal dump station shall be provided for each one hundred (100) recreation vehicle sites, or part thereof. All sewer and water lines shall be first approved by the City Engineer or Engineering Superintendent.

J. Sanitary facilities shall be provided in accordance with State standards.

K. Trash receptacles shall be provided in accordance with State standards.

L. All plumbing facilities shall be inspected and approved by the La Grande Community Development Department/Building Division.

M. Each recreation vehicle space shall be provided with electrical service.

N. Recreation vehicles are designed for temporary occupancy, which is defined by Oregon Administrative Rule to not exceed six (6) months. Thus, recreation vehicles shall remain in the park for no more than six (6) months in any one (1) year period. [Ord. 2989, Dec. 5, 2001]

SECTION 3.3.003 – PARKING, OCCUPANCY AND STORAGE OF RECREATIONAL VEHICLES

A. It shall be unlawful to occupy a Recreational Vehicle for housekeeping, living or sleeping purposes other than in an approved Recreational Vehicle Park. Exception: Recreational Vehicle occupancy associated with bona fide guest usage not to exceed thirty (30) days. [Ord. 2989, Dec. 5, 2001; Ord. 3006, Feb. 5, 2003]

B. An unoccupied Recreational Vehicle shall not be stored within the front yard of any residential use if such storage results in a violation of the "clear vision area" or "sight triangle" provisions of this Code. [Ord. 3006, Feb. 5, 2003]

C. It shall be unlawful to park a Recreational Vehicle on a public right-of-way for a time period exceeding forty-eight (48) hours. Parking of Recreational Vehicles shall be in compliance with the City of La Grande "Parking Ordinance" (Ordinance Number 2890, Series 1996, and successor Ordinances). [Ord. 3006, Feb. 5, 2003]

ARTICLE 3.4 - GEOLOGICAL HAZARDS

SECTION 3.4.001 - PURPOSE AND INTENT

The purpose of this designation is to bring awareness to the public and administering agencies to areas which by their geological composition are known to be hazardous due to unstable slopes and poor foundation soils, and which may require additional measures to protect the health, safety and general welfare of the public. This area designation will be used in conjunction with the parent zone designation.

SECTION 3.4.002 - REGULATIONS

A. In any zone in which this classification is applied and for all lands within the Hillside Development (HD) Zone, the regulations of the base zone shall apply except that execution of a Geologic Hazard Waiver shall be required for all uses. A Geologic Hazard Site Plan shall be required, when in the opinion of the Community Development Director/Planner (on recommendation of the Building Official and Engineering Superintendent) the extent of the project warrants detailed review. Public notice to neighboring properties shall be performed in conformance with Article 9.2. [Ord. 2973, Feb. 7, 2001]

B. In considering Site Plan applications, the Community Development Department/Planning Division shall relate such applications to the design standards which include, but are not limited to the following:

1. The proposed use.
2. The natural drainage, amount of run-off and the extent of heavy run-off.
3. Changes in natural drainage pattern resulting from proposed activity or use, and the anticipated result.
4. Proposed method of removing the water from the site, including the location of site drains and storm sewers.
5. Proposed changes in the natural vegetation.
6. The extent of cuts and fills involved in the construction, including the maximum height and slope, and method and degree of compaction contemplated.
7. Method and type of slope stabilization.
8. The degree of lot coverage.
9. Existing topographic conditions, i.e., slope, type and extent of existing cover, etc.
10. Type of sewage disposal.

SECTION 3.4.003 - PROCEDURE

When property is to be developed in this zone, the applicant shall submit required data in accordance with Section 3.4.002 above and any such information as listed on the application submittal checklist. A

signed Geologic Hazard Waiver, on a form provided by the Community Development Department/Planning Division, or a Geotechnical Engineer's Study, if required by the Community Development Director/Planner and Building Official, shall be submitted to the Community Development Department/Planning Division for approval. If the Community Development Department/Planning Division finds that the proposed structures or uses are incompatible with the intent and purpose of this Article, the Planning Commission or its designated representative shall endeavor to have such plans changed to conform to said purpose and intent. [Ord. 2973, Feb. 7, 2001]

In case the applicant is not satisfied with the Planning Commission's or its representative's action, they may appeal the decision pursuant to the provisions of Chapter 9 of this Ordinance.

SECTION 3.4.004 - ADVISOR TO THE COMMISSION

The Community Development Department/Planning Division in their review of said plans may seek the advice of any person or organization who in the opinion of the Community Development Department/Planning Division is qualified to give such advice. Such person or organization must be devoid of any and all interest in the development in question.

SECTION 3.4.005 - BUILDING PERMIT ISSUANCE

In no event shall Building Permits be issued in this zone until such Site Plans have been approved, or conditionally approved by the Community Development Department/Planning Division, and a Geologic Hazard Waiver has been signed and filed at the County Recorder's Office. [Ord. 3006, Feb. 5, 2003]

ARTICLE 3.5 - HISTORIC BUILDINGS AND SITES

[Ord. 2973, Feb. 7, 2001]

SECTION 3.5.001 – GENERAL PROVISIONS

A. This Article shall be known as the Historic Buildings and Sites Article of the La Grande Land Development Code, and may be so cited and pleaded. Said Article shall be referred to herein as "This Article," and the sections hereinafter referred to shall be sections of this Article.

B. Purpose and Intent

This Article and the regulations and restrictions contained therein are adopted and enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of La Grande, including but not limited to the following:

1. To safeguard the City's historic and cultural heritage, as embodied and reflected in its landmarks and historic districts;

2. To revitalize neighborhoods by restoring confidence and creating an environment conducive to reinvestment and continued maintenance;

3. To stabilize and enhance property values;

4. To foster community identity and civic pride;

5. To protect, enhance, and perpetuate the use of structures, sites and areas that are reminders of past eras, events, and persons important in local, State, or national history; or which reflect the distinct phases of the City's, State's, or Nation's cultural, social, economic, political, and architectural heritage;

6. To educate citizens about La Grande's history;

7. To promote compatible new development while at the same time protecting the old;

8. To protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry;

9. To strengthen the economy of the City;

10. To generally improve the quality of life in the City; and

11. To maintain community integrity for future generations.

C. Issuance of Licenses and Permits

Licenses and permits shall not be granted for the construction or alteration of any building or structure, or for the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if such construction, alteration, moving, or change in use would be a violation of any of the provisions of this Article.

SECTION 3.5.002 – ADMINISTRATION AND PROCEDURES

A. Amendment Procedure

1. This Landmarks Preservation Article may be amended by the La Grande City Council after said amendments shall have first been submitted for recommendation to the Landmarks Commission.

2. Any person seeking to amend the Landmarks Preservation Article shall submit to the Landmarks Commission a written petition containing the following information:

   a. A specific description of the amendment desired;

   b. The reason and justification for such text change, and a statement setting forth the manner in which a proposed amendment would further promote the objectives and purposes of this Article; and

   c. The filing fee established by City Council resolution for Land Development Code amendments.

3. Upon receipt of a petition, the Commission shall hold a public hearing on the matter before submitting recommendations to the City Council.

4. Before recommending an amendment to this Article, it must be shown that such amendment is in the interest of the public, and is consistent with the goals and policies of the La Grande Comprehensive Plan.

B. Operating Procedures

1. The Commission shall elect from its membership a Chairperson and a Vice-Chairperson who shall serve for terms of one (1) year. All regular members of the Commission shall vote on agenda items, including the Chairperson. However, the Chairperson may not make a motion on any agenda item.

2. A majority of the current appointed members of the Commission shall constitute a quorum for the transaction of business. All official actions of the Commission shall require a majority vote of the members present and voting.

C. Review of Land Use Requests

1. All land use requests affecting designated and formally nominated landmarks shall first be submitted to the Landmarks Commission for review and recommendation before action is taken by the appropriate decision-making body.

2. The Landmarks Commission comment shall be limited to anticipated impacts, if any, to the integrity and character of the historic landmark being effected.

3. The recommendation of the Landmarks Commission shall be forwarded to the appropriate body making the final decision for their consideration.

D. Appealing Decisions of Landmarks Commission

Any decision of the Landmarks Commission involving either the "designation" of a property as a historic "landmark", or their refusal to issue a Certificate of Historic Appropriateness, may be

appealed to the City Council. An appeal to the Council must be made on or before thirty (30) days after the Commission's decision. The appeal shall set forth the specific reasons and justification for the applicant's opposition to the Commission's decision.

SECTION 3.5.003 – LA GRANDE HISTORIC SITES LIST

A. Purpose

The La Grande Landmarks Commission may designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

B. Criteria for Designating Properties to the Historic Sites List

Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:

1. It is located within the official boundaries of La Grande;

2. It is at least fifty (50) years old;

3. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way;

4. If the property does not meet the integrity requirements outlined in Subsection 3 above, it may still qualify for designation if it meets one (1) of the following requirements for exceptional significance:

   a. It is directly associated with events of historic significance in the City, State, or Nation.

   b. It is closely associated with the lives of persons who were of historic importance to the City, State, or Nation.

   c. It exhibits significant methods of construction or materials that were used within the historic period; and

5. It has been documented according to the State Historic Preservation Office standards for intensive level surveys, and copies of that documentation have been placed in the local and State Historic Preservation files.

C. Designation Procedures

Any person, group, or government agency may nominate a property for listing in the La Grande Historic Sites List. The nomination and listing procedures are as follows:

1. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Landmarks Commission.

2. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party and property owner, either orally or in writing, fourteen (14) days prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting.

3. The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the La Grande Historic Sites List" and will make its decision accordingly.

D. Results of Designation to Historic Sites List

1. Owners of officially designated historic sites may obtain a historic site certificate from the Landmarks Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Landmarks Commission chairperson.

2. The Commission will also deposit a listing of designated historic sites with the Planning Commission and Building Division.

3. Properties designated to the Historic Sites List may receive special consideration in the granting of zoning Variance Permits or Conditional Use Permits, and they may be eligible for rehabilitation and/or preservation loans.

4. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.

   a. The City will delay issuing a demolition permit and will notify the owner of the building or site, who will take responsibility for the documentation.

   b. Documentation will include, at a minimum, exterior photographs (both black-and-white and color slides) of all elevations of the building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.

   c. The Commission may require, as a condition of approval, that the owner complete documentation of the building or site prior to the construction and/or demolition.

E. Removal of Properties from the Historic Sites List

Properties that, in the opinion of the Landmarks Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Commission. Only the Landmarks Commission, City Council, or the owner of the historic site may initiate actions to remove properties from the Historic Sites List. The removal process shall follow the same public hearing procedure outlined above for designations.

SECTION 3.5.004 – LA GRANDE LANDMARKS REGISTER

A. Purpose

Significant historic properties may be designated to the Historic Landmark Register for the purposes of recognizing their significance, providing incentives for their preservation, and providing standards and regulations for their protection.

B. Criteria for Designating Properties to the Landmarks Register

Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the first three (3) criteria below, and at least one (1) of the other criteria outlined in items (a) through (f) below:

1. It is located within the official boundaries of La Grande;

2. It is at least fifty (50) years old; and

3. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way.

   a. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined to be eligible for the National Register must still retain their integrity;

   b. It is associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation;

   c. It is associated with the lives of persons significant in the history of the City, State, or Nation;

   d. It embodies the distinctive characteristics of a rare or unique type, period, or method of construction; or that represents the work of an architect or builder recognized as a master in his/her field; or that possesses high artistic values or style; or that represents a significant and distinguishable entity whose components may lack individual distinction;

   e. It has yielded or may be likely to yield, information important in prehistory or history (archeological sites, for example); or

   f. Because of its prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City, and contributes to the distinctive quality or identity of its neighborhood or the City.

C. Designation Procedures

1. Official nominations of properties to the Landmarks Register must originate with the owner of the property, the Landmarks Commission, or the City Council. In any case, owner consent is required. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Landmarks Commission.

2. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party and property owner,

either orally or in writing, fourteen (14) days prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting.

3. The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the La Grande Landmarks Register" and will make its decision accordingly. The Commission shall forward its recommendation in writing to the City Council within fourteen (14) days.

4. The City Council may, by approval and passage of an appropriate Resolution, designate properties to the Landmarks Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this Article.

D. Notification and Recording of Designation

When historic properties have been officially designated to the La Grande Landmarks Register by the City Council, the Commission shall promptly notify the owners of those properties. The Commission shall record the Historic Landmark Register status designation in the Union County Deed Records.

E. Results of Designation to the Landmarks Register and Requirement for Certificates of Appropriateness

1. Properties designated to the Landmarks Register may receive special consideration in the granting of zoning Variances or Conditional Use Permits in order to encourage their preservation, and shall be eligible for low-interest rehabilitation and preservation loans, which the City may offer.

2. In the event of rehabilitation of the property, local building officials shall consider waiving certain Land Development Code requirements in accordance with the Historic Building provisions of the Uniform Building Code or the Uniform Code for Building Conservation, a special Code for existing buildings.

3. Owners of Historic Landmarks may seek assistance from the Landmarks Commission in applying for grants or tax credits for rehabilitating their properties.

4. After a property has been designated on the Landmarks Register, any alteration of the exterior appearance of a structure, site, object or work of art affecting a Landmark shall be made or permitted only after application for a Certificate of Appropriateness has been submitted to and approved by the Landmarks Commission, or the Landmarks Commission Staff, if applicable, pursuant to Subsection (6) of this Section.

5. Certificates of Appropriateness shall be required for alterations such as but not limited to:

   a. Any construction that requires a Building Permit;

   b. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;

   c. Relocation of a structure or object on the same site or to another site;

   d. Construction of additions or decks;

e. Alteration or construction of accessory structures, such as garages, carports, sheds, etc.;

f. Alteration of windows and doors, including replacement or changes in fenestration patterns;

g. Construction or alteration of porches;

h. Masonry work, including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

i. Construction or alteration of site features including, but not limited to, fencing, walls, paving and grading;

j. Installation or alteration of any exterior sign;

k. Any demolition;

l. Change of exterior paint color, and

m. New Construction.

6. The following types of construction or demolition may be decided administratively by the Landmarks Commission Staff subject to the standards in this Article or other applicable standards:

   a. Minor alterations, repairs or additions to a Landmark or Contributory Building or Site in a Historic District;

   b. Alterations, repairs or additions to a Non-Contributory Building or Site in a Historic District;

   c. Any alterations or demolition of an accessory structure;

   d. Demolition of a Non-Contributory Building or Site in a Historic District.

7. Applications for administrative decisions shall be made in the same form as applications for Landmarks Commission decisions as set forth in Subsection (12) below. Landmarks Commission Staff shall determine whether a request is to be processed administratively or referred to the Landmarks Commission.

8. Landmarks Commission Staff shall have ten (10) days to render an administrative decision after an application for a Certificate of Appropriateness has been accepted and deemed complete.

9. Administrative decisions shall be based on findings that analyze the proposal for compliance with the Standards and Guidelines for Historical Rehabilitation and Preservation as set forth in Section 3.5.005 of this Article. [Ord. 3006, Feb. 5, 2003]

10. Landmarks Commission Staff may refer any application to the Landmarks Commission:

    a. Due to the complexity of the application or the significance of a change proposed for a Landmark or Contributory Building or Site, or

    b. If the Staff reasonably believes it should consult the expertise available from members of the Commission. Landmarks Commission Staff may routinely decide on requests to remove and replace architectural features with like materials. If architectural materials are proposed to be altered, Staff shall consider referring such requests to the Landmarks Commission for action.

11. Persons aggrieved by an administrative decision may appeal to the Landmarks Commission by filing a letter of appeal within ten (10) days of the date the decision is mailed. Such appeals shall be scheduled for action at the next meeting of the Landmarks Commission.

12. Proposed repairs, alterations or additions to Historic Landmarks, if not administratively approved, are subject to the review of the Landmarks Commission and the subsequent review and approval of the City Council, if the Commission's decision is appealed. The purpose of such review is to ensure the preservation of historic materials and features to the greatest degree possible.

    a. Applications for Building, and Sign Permits pertaining to designated Landmark properties, formally nominated landmarks, or any land located in a Historic District, shall be forwarded by the Building Official to the Landmarks Commission prior to their issuance.

    b. A permit applicant, in order to obtain a permit from the Building Division, shall file a request for a Certificate of Appropriateness with the Landmarks Commission Staff on a form furnished by the Landmarks Commission.

    c. At its next scheduled meeting, the Landmarks Commission shall review applications received for compliance with "Standards for Rehabilitation," promulgated by the United States Secretary of the Interior, hereafter referred to as "Standards" (See Section 3.5.005). A Certificate of Historic Appropriateness shall be issued by the Landmarks Commission for applications that comply with the provisions of this Article, within thirty (30) days after the filing of the application. [Ord. 3006, Feb. 5, 2003]

    d. A person whose application is found to be in noncompliance with the provisions of this Article, shall be offered a negotiating period of sixty (60) days, during which time the Landmarks Commission, together with the applicant, shall explore all means for proper repair, alteration or addition to the historic landmark, which may include the following:

        i. feasibility of modifications to the plans

        ii. feasibility of alternative uses of the landmark

        iii. feasibility of public acquisition or resale

        iv. feasibility of acquiring easements

v. feasibility of obtaining financial or other forms of assistance from preservation organizations.

If no solution is agreed upon within the initial sixty (60) days, the Landmarks Commission may offer the applicant an extension of sixty (60) days. If no solution is agreed upon at the conclusion of one hundred twenty (120) days, the Certificate of Historic Appropriateness shall be denied; consequently, the Building Official shall not issue any permits. Nevertheless, an applicant may, at any time after the conclusion of the initial hearing, elect to receive a final determination by the Landmarks Commission.

e. An applicant who is aggrieved by a decision of the Landmarks Commission, may appeal that decision to the City Council, subject to the procedures in Article 9.7, La Grande Land Development Code.

f. Unless there is substantial action leading toward completion of the work described in the Certificate of Historic Appropriateness within a period of twelve (12) months from the date of approval, such approval shall expire, unless after reconsideration of the progress of the project an extension is approved by the Landmarks Commission.

g. Under emergency situations, a Subcommittee is hereby authorized upon twenty-four (24) hour notice to make special review of requests for Certificates of Appropriateness, and to make approvals of the same. The decision as to whether emergency conditions exist shall rest with the Commission Chairperson or Vice-Chairperson in the absence of the Chair.

F. Demolition and Removal of Landmark Buildings and Sites

It is the intent of this and succeeding sections to preserve the historic and architectural landmarks of La Grande through limitations on demolition and removal of historic buildings and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings and sites in La Grande diminishes the character of the City's older neighborhoods and Historic Districts, and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within La Grande. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building or site.

1. Certificate of Appropriateness for Demolition

With the exception of any building or structure falling under the purview of the Unsafe Buildings or Structures section of the Uniform Building Code or undergoing complete renovation or reconstruction in compliance with this Article, no building or other structure that has been formally designated or nominated as a historic landmark (including Significant and Contributory buildings within a Historic District) may be demolished or removed without the prior issuance of a Certificate of Appropriateness by the Landmarks Commission. Application for a Certificate of Appropriateness for Demolition shall be made on forms provided by the Commission and shall be submitted to the Commission Staff.

2. Standards for Certificate of Appropriateness for Demolition of Landmark Sites (Including Significant Sites Within Historic Districts)

In considering an application for a Certificate of Appropriateness for Demolition of a Landmark Site, including significant sites within Historic Districts, the Landmarks Commission shall approve the application only upon finding that the project fully complies with one (1) of the following standards:

a. The demolition is required to alleviate a threat to public health and safety as determined by the Building Official; or

b. The demolition is required to rectify a condition of economic hardship, as defined and determined pursuant to the provisions of this Article.

If upon review of the application, the Staff, in conjunction with the Building Official, determines the subject building or structure to be structurally unsound, and a hazardous or dangerous building, the Community Development Department may issue a Certificate of Appropriateness. In the absence of a finding of public hazard, the application for demolition or removal shall be stayed for one hundred twenty (120) days.

3. Pre-Hearing Application Requirements

Upon refusal of the Community Development Department to issue a Certificate of Appropriateness for Demolition, a pre-hearing period of sixty (60) days shall commence, during which time the owner shall allow the City to post and sustain a visible sign stating the structure is "Proposed to be Demolished." Said sign shall be at least 3' x 2', readable from a point of public access, and state that more information may be obtained from the Community Development Department for the duration of the stay. In addition, the owner shall conduct negotiations with the City for the sale or lease of the property or some interest in the property such as a facade easement, or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially feasible.

At the end of the sixty (60) days, the owner may request a hearing before the Landmarks Commission upon showing that the above requirements have been met. The Department Staff shall, within fourteen (14) days, notify the owner if any additional information is needed to complete the application. If the Department Staff does not notify the owner, the application will be deemed complete. Within sixty (60) days of receiving the completed application, the Department Staff shall schedule a hearing regarding the application on the agenda of the Landmarks Commission. If no decision is reached by the Landmarks Commission at the conclusion of one hundred twenty (120) days, the Certificate of Appropriateness for Demolition shall be approved.

4. Demolition of Buildings in Historic District

Unless a building in a Historic District has been declared a dangerous or hazardous building by the Building Official, a permit to demolish such structure shall not be issued until the Commission has first reviewed plans for the construction of a replacement structure, and has determined that the proposed new construction will comply with the provisions of this Article.

G. Claims of Economic Hardship

The Landmarks Commission may approve a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark building or site if the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

1. Definition and Determination of Economic Hardship
   The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this Ordinance deprives the applicant of all reasonable economic use or return on the subject property.

2. Application for Determination of Economic Hardship
   An application for a Determination of Economic Hardship shall be made on a form prepared by the Community Development Director and shall be submitted to the Department. The application shall include photographs, information pertaining to the historic significance of the Landmark Site and all information necessary to make findings regarding the Standards for Determination of Economic Hardship.

3. Standards for Determination of Economic Hardship
   The Landmarks Commission shall apply the following standards and make findings concerning economic hardship:

   a. The applicant's knowledge of the landmark designation when the property was acquired, or whether the property was designated subsequent to acquisition;

   b. The current level of economic return on the property as considered in relation to the following:

      i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;

      ii. Annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;

      iii. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;

      iv. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations by the Union County Assessor;

      v. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

      vi. Fair market value of the property immediately prior to its designation as a Landmark Site and the fair market value of the property as a Landmark Site at the time the application is filed;

vii. Form of ownership or operation of the property, i.e., sole proprietorship, for-profit corporation or not-for-profit corporation, limited partnership, joint venture, etc; and

viii. Any State or Federal income tax returns on or relating to the property for the previous two (2) years.

c. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. Such determination may include testimony and relevant documents regarding:

i. Any real estate broker or firm engaged to sell or lease the property;

ii. Reasonableness of the price or rent sought by the applicant; and

iii. Any advertisements placed for the sale or rent of the property.

d. The unfeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

i. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

ii. Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the decision of the Landmarks Commission concerning the appropriateness of proposed alterations;

iii. Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use; and

iv. Testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

e. Economic incentives and/or funding available to the applicant through Federal, State, City, or private programs.

4. Procedure for Determination of Economic Hardship

For each application wherein an economic hardship is claimed, the Mayor shall appoint a three (3) person Economic Review Panel. Members shall consist of real estate and redevelopment experts knowledgeable in real estate economics and in particular the economics of renovation, redevelopment, and other aspects of rehabilitation. The Mayor shall request recommendations for Panel members from the Landmarks Commission and the applicant.

a. Review of Evidence

All of the evidence and documentation presented to the Landmarks Commission shall be made available to and reviewed by the Economic Review Panel. The Economic Review Panel shall convene a meeting complying with the Open Meetings Act to review the evidence of economic hardship in relation to the standards set forth in Section 3.5.004(G)(3) above. The Economic Review Panel may, at its discretion, convene a public hearing to receive testimony by any interested party provided that notice for such public hearing shall be in accordance with the notice requirements of Article 9.6 of this Code. [Ord. 3006, Feb. 5, 2003]

b. Report of Economic Review Panel

Within forty-five (45) days after the Economic Review Panel is established, the panel shall complete an evaluation of economic hardship, applying the standards set forth in Section 3.5.004(G)(3) above and shall forward a written report with its findings of fact and conclusions to the Landmarks Commission. [Ord. 3006, Feb. 5, 2003]

5. Landmarks Commission Determination of Economic Hardship

At the next regular Landmarks Commission meeting following receipt of the report of the Economic Review Panel, the Landmarks Commission shall reconvene its public hearing to take final action on the application.

a. Finding of Economic Hardship

If after reviewing all of the evidence, the Landmarks Commission finds that the application of the standards set forth in Section 3.5.004(G)(3) results in economic hardship, then the Landmarks Commission shall issue a Certificate of Appropriateness for Demolition. [Ord. 3006, Feb. 5, 2003]

b. Denial of Economic Hardship

If the Landmarks Commission finds that the application of the standards set forth in Section 3.5.004(G)(3) does not result in economic hardship then the Certificate of Appropriateness for demolition shall be denied. [Ord. 3006, Feb. 5, 2003]

c. Consistency with the Economic Review Panel Report

The Landmarks Commission decision shall be consistent with the conclusions reached by the Economic Review Panel unless, based on all of the evidence and documentation presented to the Landmarks Commission, the Landmarks Commission finds by a vote of three-fourths majority of a quorum present that the Economic Review Panel acted in an arbitrary manner, or that its report was based on an erroneous finding of a material fact.

H. Standards for Certificate of Appropriateness for Demolition of a Contributing Structure in an Historic District

In considering an application for a Certificate of Appropriateness for Demolition of a contributing structure the Landmarks Commission shall determine whether the project substantially complies with the following standards.

1. Standards for Approval of a Certificate of Appropriateness for Demolition

a. The physical integrity of the site (its location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register) is no longer evident;

b. The streetscape within the context of the Historic District would not be negatively affected;

c. The demolition would not adversely affect the Historic District due to the surrounding non-contributing structures;

d. The base zoning of the site is incompatible with reuse of the structure;

e. The Reuse Plan has been formulated to minimize impacts on the character of the district.

f. The site has not suffered from willful neglect, as evidenced by the following:

i. Willful or negligent acts by the owner that deteriorates the structure;

ii. Failure to perform normal maintenance and repairs;

iii. Failure to diligently solicit and retain tenants; and

iv. Failure to secure and board the structure if vacant.

g. The denial of a Certificate of Appropriateness for Demolition would cause an economic hardship as defined and determined pursuant to the provisions of this Ordinance.

2. Landmarks Commission Determination of Compliance with Standards of Approval
The Landmarks Commission shall make its decisions based upon compliance with the requisite number of standards in Section 3.5.004(H)(1) as set forth below. [Ord. 3006, Feb. 5, 2003]

a. Approval of Certificate of Appropriateness for Demolition
Upon making findings that at least six of the standards are met, the Landmarks Commission shall approve the Certificate of Appropriateness for Demolition.

b. Denial of Certificate of Appropriateness for Demolition
Upon making findings that two or less of the standards are met, the Landmarks Commission shall deny the Certificate of Appropriateness for Demolition.

c. Deferral of Decision for up to One (1) Year
Upon making findings that three (3) to five (5) of the standards are met, the Landmarks Commission shall defer the decision for up to one (1) year during which the applicant shall conduct a bona fide effort to preserve the site.

3. Bona Fide Preservation Effort
Upon the decision of the Landmarks Commission to defer the decision on a Certificate of Appropriateness for up to one (1) year, the applicant must undertake bona fide efforts to preserve the structure. The deferral period will begin once the bona fide effort has commenced. A bona fide effort shall consist of all of the following actions at a minimum:

a. Marketing the property for sale or lease;

b. Filing an application for alternative funding sources for preservation;

c. Filing an application for alternative uses or regulatory flexibility if available or feasible, such as Conditional Uses and Variances;

d. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

4. Final Decision for Certificate of Appropriateness for Demolition Following Deferral
Upon the completion of the deferral period and if the applicant provides evidence of a bona fide preservation effort, the Landmarks Commission shall make a final decision regarding the Certificate of Appropriateness.

5. Recordation Requirement for Approved Certificate of Appropriateness for Demolition
Upon approval of a Certificate of Appropriateness for demolition of a Landmark site or contributing structure, the Landmarks Commission shall require the applicant to provide archival quality photographs, plans or elevation drawings, as available, necessary to record the structure(s) being demolished.

I. Final Decision

1. Approval
If the Landmarks Commission approves an application, a Certificate of Appropriateness shall be issued and the owner may proceed to rehabilitate or demolish the building or site after first obtaining the necessary permits from the Building Division. The Commission may require, as a condition of approval, that the owner provide the Commission with documentation of the physical appearance of the building including black and white photographs and color slides of each building elevation, and exterior and interior measurements of the building.

2. Denial
In the event the Commission recommends denial of the rehabilitation or demolition, and negotiations with the owner do not result in an agreement, the Commission shall recommend to the City Council whether or not the City should provide some economic assistance, acquire the property, or take some other form of action.

3. Appeal
All final decisions of the Landmarks Commission may be appealed to the City Council, subject to the provisions of Article 9.7 of the La Grande Land Development Code and the standards of this Article.

J. Removal of Properties from the Landmarks Register
Properties that, in the opinion of the Landmarks Commission, no longer meet the criteria for eligibility may be removed from the Landmarks Register after review and consideration by the Commission.

SECTION 3.5.005 – STANDARDS AND GUIDELINES FOR HISTORICAL REHABILITATION AND PRESERVATION

A. Historic Character and Purpose of the Property Preserved

The following "Standards for Rehabilitation" shall be used by the Commission when determining the historic appropriateness of any application under its jurisdiction:

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 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 adhere to the old design, in terms of 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.

B. Special Guidelines for New Construction in Historic Districts

The following general guidelines shall be used by the Commission, in addition to the Standards for Rehabilitation, when determining the historic appropriateness of any application for new construction under its jurisdiction in a historic district. The Commission may also adopt more specific design guidelines for a historic district based upon its unique distinguishing

characteristics. If such specific guidelines are adopted, they shall govern if in conflict with the general guidelines below.

1. Height
   The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a Historic District.

2. Proportions of Windows and Doors
   The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a Historic District.

3. Relationship of Building Masses and Spaces
   The relationship of a structure within a Historic District to the open space between it and adjoining structures should be compatible.

4. Roof Shape
   The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in a Historic District.

5. Landscaping
   Landscaping should be compatible with the architectural character and appearance of the landmark and surrounding structures in a Historic District.

6. Scale
   The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a Historic District.

7. Directional Expression
   Facades in Historic Districts should blend with other structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

8. Architectural Details
   Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or Historic District.

C. Guidelines for Rehabilitation
   The Commission shall utilize the U.S. Department of Interior's Guidelines for Rehabilitation as an aid to applicants in formulating plans for the rehabilitation, preservation, and continued use of historic buildings. Conformance with the Guidelines for Rehabilitation shall be a factor in judging compliance with this Article.

ARTICLE 3.6 - ARCHAEOLOGICAL RESOURCES

SECTION 3.6.001 - PURPOSE AND INTENT

The purpose of this Article is to establish a procedure for protecting archaeological resources within the City of La Grande and its Urban Growth Area.

SECTION 3.6.002 - DISCOVERIES DURING DEVELOPMENT

If an archaeological object, deposit, or artifact is discovered during any development action, individuals shall report the discovery as soon as possible to the Community Development Department/Planning Division.

No development shall be delayed or halted without the developer's or landowner's consent, unless a burial site is involved.

SECTION 3.6.003 - REGULATIONS AND PROCEDURES

The Community Development Department/Planning Division shall notify the appropriate native American tribe, the State Historic Preservation Office, and other appropriate agencies or individuals charged with archaeological resource preservation in order that the landowner and interested parties may negotiate and resolve any conflicts.

Any individual encountering archaeological resources in the course of any development shall comply with Oregon law including ORS 358.905 (Archaeological Objects and Sites), ORS 390.235 (Archaeological Sites and Historical Material), and ORS 97.750 (Protection of Indian Graves). The relevant Native American tribal government may request to receive recovered non-sacred artifacts following research studies, subject to approval of the landowner or developer.

ARTICLE 3.7 - PLANNED UNIT DEVELOPMENT

SECTION 3.7.001 - PURPOSE

The purpose of a Planned Unit Development is to provide opportunities for the innovative development of large areas of land by encouraging their development in a comprehensive, integrated manner, and by allowing modification of the standards for the underlying zone contained in the Land Development Code. Upon its approval by the Planning Commission Review Procedure, the Development Plan for the specific Planned Development shall become the basic document for regulating the use and development of the land. It is the further purpose of a Planned Unit Development to encourage development which meets at least one (1) of the following objectives:

A. The clustering of development through density transfers in order to preserve a significant amount of open space for use by the residents of the development.

B. The mixing of residential, civic, commercial, or industrial use types in a manner which reduces dependency on the automobile as the exclusive means of transportation and promotes other transportation options by providing housing, employment opportunities, shopping and personal service facilities, and schools in close proximity to each other.

C. The mixing of residential densities within a master planned community offering recreational amenities, smart development design features (such as narrow streets and "Smart Development" standards), and other neighborhood-serving uses.

D. Any land development project that provides a community design, site plan, and/or exceptional architectural design that varies from the standard zoning district provisions of the Land Development Code while providing a superior community plan with development standards adequate to protect the public health, safety and welfare.

SECTION 3.7.002 - MINIMUM PLANNED UNIT DEVELOPMENT CRITERIA

A. The minimum area shall be two (2) acres.

B. For projects including residential uses, the minimum common open space to be provided, excluding public or private rights-of-way shall be twenty percent (20%) of the land area. **[Ord. 2973, Feb. 7, 2001]**

SECTION 3.7.003 - PERMITTED USES

Any use types which are either permitted or conditionally permitted, as provided by Chapter 2 may be permitted within said Planned Unit Development. All use types which will be included within a Planned Unit Development shall be listed in the Development Plan. [Ord. 2973, Feb. 7, 2001]

SECTION 3.7.004 - REVIEW PROCEDURE

The application for a Planned Unit Development shall be subject to Planning Commission Review Procedure. The application shall be accompanied by any such information as listed on the application submittal checklist. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding.

A. Prior to submission of an application for a Planned Unit Development, the prospective applicant shall submit to the Community Development Department/Planning Division a Concept Plan prepared in accordance with the standards provided in Section 3.7.005 below. Upon receipt of the Concept Plan, Staff shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from City Staff attending the conference. Representatives of the Community Development, Fire, Police, and Public Works Departments shall attend and, at the discretion of and as deemed desirable and necessary by the Community Development Director/Planner, representatives from other County, public departments, or agencies, may be invited to attend the conference.

B. The Planning Commission shall consider the Planned Unit Development Concept Plan applications at a public hearing, pursuant to the procedures in Chapter 9. Approval of the Concept Plan shall be subject to the criteria for Concept Plan approval found in Section 3.7.006. If requested by the applicant, the hearing body may consider the Development Plan and any related Preliminary Subdivision or Partition Plans at the same public hearing as the Concept Plan. Approval of the Development Plan shall be subject to the criteria in Section 3.7.009. [Ord. 3047 July 12, 2006]

C. The applicant must request approval of the Development Plan and any Preliminary Subdivision or Partition Plan within one (1) year; provided, however, that if the Development Plan provides for more than one (1) phase of development, only a Preliminary Subdivision or Partition Plan for the first phase need be submitted for approval.

D. Development Plans submitted pursuant to Subsection C above shall be considered pursuant to the criteria of Section 3.7.009.

E. Preliminary Subdivision or Partition Plans for a Planned Unit Development shall be reviewed pursuant to the applicable land division procedures and criteria of Chapter 4 of this Code, and must conform to the approved Development Plan.

SECTION 3.7.005 - CONCEPT PLAN CONTENT

A. General Narrative

A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed Planned Development, including proposed uses and activities, proposed residential densities if appropriate, proposed types and levels of public facilities and services, proposed transportation system including pedestrian and bicycle facilities, and physical land alteration required by the development; and the relation of the proposed Planned Development to the La Grande Comprehensive Plan.

B. General Site Plan

A generalized Site Plan showing the entire parcel with schematic indications of approximate locations of buildings, public and private rights-of-way, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

SECTION 3.7.006 - CONCEPT PLAN APPROVAL CRITERIA

A. Soil Stability and Land Suitability

If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes of over twenty-five percent (25%), engineering drawings must be submitted to satisfy engineering specifications. This requirement can be satisfied by submitting engineering drawings with the Development Plan provided that the Concept Plan is accompanied by a civil or geotechnical engineer's statement that the proposed uses and improvements can be safely constructed without disturbance to slope stability and can avoid any negative impacts on surrounding properties resulting from geotechnical concerns associated with the development proposal.

If the site is within a flood hazard area, conditions as outlined by the Building Official and Flood Hazard Article must be met.

B. Fire Protection

The proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment; hydrant placement, fire flows, building sprinkler systems and any other fire suppression systems required by the Fire Chief.

C. Access

The development must be accessible by improved City public streets by automobile, walking, bicycling and public transit.

D. Ownership

The property must be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.

E. Other Standards

The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e. standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

SECTION 3.7.007 - DEVELOPMENT PLAN CONTENT

A. Statement of Intent

An overall development scheme which states the development intentions of the landowner regarding the property, including but not limited to the following:

1. A statement of location and intensity of proposed uses and activities, including public and private open spaces.

2. A physical description of proposed facilities accommodating such uses, including types of buildings, structures and landscape, and circulation elements.

3. A statement of location and general configuration of lands to be dedicated for public open space and other public uses.

4. A general designation of utilities.

5. A statement detailing the consistency of the proposed development project with major public development programs, including but not limited to:

   a. Freeways

   b. Highways

   c. Parks

   d. Pedestrian and bicycle facilities

   e. Open spaces

   f. Utility transmission lines

   g. Storm drainage facilities

   h. Phased schedules of proposed major public facilities

   i. Transit facilities.

B. Supporting Graphics

A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate:

1. Perimeter boundaries of the site.

2. Streets and driveways.

3. Sidewalks and pedestrian ways and off-street parking and loading areas.

4. Location and approximate dimension of buildings and structures.

5. Utilization of buildings and structures, including activities and the number of living units.

6. Reservations for public uses, including schools, parks, playgrounds, and other open spaces.

7. Major landscaping proposals.

The Community Development Department/Planning Division may require graphics presenting additional information as is determined necessary to support the Statement of Intent.

C. Description of Surrounding Area

A statement which provides information on the character and use of the surrounding area within two hundred fifty feet (250') of the limits of the development.

D. Background Report

The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the Planned Development. The contents of the Background Report may include, but are not limited to the following information:

1. A Preliminary Development Schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total area in each separate phase and percentage of such area to be devoted to particular uses, parking required and provided and an indication of the proposed number and type of dwelling units by phase of development.

2. A Preliminary Population Schedule, including estimated residential population for the entire project at its completion and for each type of dwelling unit for each phase of development, calculation of the average residential density per gross acre and per net residential acre by phase, and estimated nonresidential uses included in the proposal and a statement supporting inclusion of such nonresidential uses.

3. An Utility Master Plan demonstrating required public utility sizing and appurtenances, connections to the City system and a statement relating the utility system designs to the requirements of City standards and any City Utility Master Plans.

SECTION 3.7.008 - SITE DESIGN AND DEVELOPMENT STANDARDS

A. The site development standards contained in Chapter 5 for lot size and shape and building setbacks and yards, may be waived for a Planned Unit Development providing that the Development Plan for Planned Unit Development should indicate where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety and welfare.

B. Standards for roadway improvements contained in Chapter 6 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of forty foot (40') wide right-of-way, eight inches (8") of base rock, twenty-four foot (24') wide pavement, and two foot (2') wide gravel shoulders for a total improved top width of twenty-eight feet (28'), and adequate drainage facilities as required by the City. [Ord. 3047, July 12, 2006]

SECTION 3.7.009 - DEVELOPMENT PLAN APPROVAL CRITERIA

A. General Criteria

The development scheme must assure that specific uses intended for the property are located in the area most suited for that use, in a manner compatible with adjacent uses and consistent with the approved Concept Plan.

B. Density Standards

1. The allowable number of dwelling units is calculated using the following steps:

   a. Determine the total (gross) area of the site.

   b. Subtract the area devoted to public streets, alleys, highways, and other necessary public facilities from the gross area figure derived in step 1 above to establish the net area.

c. Divide the net area figure by the required land area per dwelling for the applicable zone to derive the total maximum number of units possible on the site. Any dwelling unit fraction of one-half (½) or greater shall be rounded up to the next whole number.

2. Density Bonus Applicability

Only a Planned Unit Development shall be eligible to use the provisions of this section. The property shall also be located in one or more of the following zones.

a. HD Hillside Development Residential

b. RR-1 Rural Residential

c. R-1 Low Density Residential

d. R-2 Medium Density Residential

e. R-3 High Density Residential

f. R-P Residential-Professional

3. Density Bonus Options

a. Additional park land or common open space which:

1. Exceeds a minimum of twenty percent (20%) of the total land area as common and private open space; or [Ord. 2973, Feb. 7, 2001]

2. Exceeds a minimum of twenty percent (20%) of the total land area as public open space or park. [Ord. 2973, Feb. 7, 2001]

Density Bonus - A one percent (1%) density increase for every one percent of public or private open space or park which is provided over the twenty percent (20%) minimum up to a ten percent (10%) increase. [Ord. 2973, Feb. 7, 2001]

b. Design amenities including but not limited to pedestrian pathways, greenways, pedestrian plazas, landscaping design and quality that exceeds City standards, and architectural design.

Density Bonus - A maximum bonus of ten percent (10%) may be granted at the discretion of the review authority.

c. Low cost housing units which qualify and are approved for housing for low-income families or for the elderly under a Federal, State, or local program.

Density Bonus - One (1) unit per assisted unit up to a ten percent (10%) increase.

4. Density Bonus Requirements

a. The maximum density bonus allowable is twenty percent (20%) over the density allowed in the base zone.

b. Conditions of approval shall be required to ensure that the density bonus provisions are satisfied.

SECTION 3.7.010 - AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Community Development Department/Planning Division. Minor revisions (resulting in no change in the number of housing units) may be approved administratively by the Community Development Director/Planner. Major revisions (resulting in a change in the number of housing units) shall be referred to the Planning Commission for consideration pursuant to the procedures of Chapter 9 of this Code and the approval criteria of Section 3.7.006 or Section 3.7.009, as appropriate. [Ord. 2973, Feb. 7, 2001]

SECTION 3.7.011 - TIME LIMITS, EXTENSIONS AND REMOVAL OF PLANNED UNIT DEVELOPMENT OVERLAY ZONE

A. Unless an extension is obtained pursuant to Section 3.7.011(B), a Planned Unit Development Plan must be submitted for approval within one (1) year of the approval of the Planned Unit Development Concept Plan; and development actions, such as construction of capital improvements, construction of common area facilities or sale of land must take place within one (1) year of final approval of the Planned Unit Development Plan, or be bonded.

B. Prior to the expiration date of the time limit for the submission of a Planned Unit Development Plan or for initiation of development action established in Subsection A above, a Planned Unit developer may apply for a time extension on forms provided by the Community Development Department/Planning Division, accompanied by the fee established by Resolution of the City Council.

The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) such extensions may be granted by the Community Development Director/Planner upon a written finding that the facts upon which the approval of the Concept Plan or Development Plan, as appropriate, was based have not changed to an extent sufficient to warrant refiling of the Concept Plan or Development Plan, and upon a finding that no other development approval would be affected.

In no case shall the cumulative length of such extensions exceed three (3) years.

ARTICLE 3.8 - HELIPORT STANDARDS

SECTION 3.8.001 - PURPOSE

The purpose of this article is to provide for sites reserved for the landing and taking off of helicopters, loading and unloading of passengers and cargo. Heliports are conditionally allowed in the Heavy Industrial Zone and as a Public Use.

SECTION 3.8.002 - STANDARDS

The Planning Commission can require an annual review of a Conditional Use Permit for a heliport if it determines that the area could develop in the future with other uses. In addition to the information required for a Conditional Use Permit, the applicant is required to submit to the Community Development Department/Planning Division prior to approval:

A. A State of Oregon Airport License issued by the Oregon State Board of Aeronautics; and,

B. A map showing the flight pattern for landings and takeoffs.

ARTICLE 3.9 - RIPARIAN PROTECTION AREA

[Ord. 2973, Feb. 7, 2001; Ord. 3014, July 4, 2003]

SECTION 3.9.001 - PURPOSE AND INTENT

The primary purpose for the creation of the Riparian Corridor Protection regulations along the Grande Ronde River is to: protect and enhance water quality; minimize property damage during floods and storms; protect native plant species; maintain and enhance fish and wildlife habitats; and conserve scenic and recreational values of riparian corridors.

SECTION 3.9.002 - DEFINITIOINS

For the purpose of this Article, the terms below have the following meaning:

A. FISH USE -Inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the Federal or State Endangered Species Acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

B. IMPERVIOUS SURFACE -Any material which reduces and prevents absorption of storm water into previously undeveloped land.

C. LAWN -Grass or similar materials maintained as a ground cover of less than six inches (6") in height. For purposes of this Article, lawn is not considered native vegetation regardless of the species used.

D. MITIGATION -Taking one or more of the following actions listed in order of priority:

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.

2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.

5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

E. NET LOSS -A permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

F. NON-CONFORMING -A structure or use that does not conform to the standards of this Article but has been in continuous existence from prior to the date of adoption of this Article up to the present. Non-Conforming Uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated.

G. OFF-SITE MITIGATION -Habitat mitigation measures undertaken in areas distant from a development action and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

H. ON-SITE MITIGATION -Habitat mitigation measures undertaken within or in proximity to areas affected by a development action and which are intended to benefit fish and wildlife populations directly affected by that action.

I. RIPARIAN CORRIDOR -The area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian corridors and wetlands within the riparian corridor boundary. In La Grande, one (1) riparian corridor exists, along the Grande Ronde River.

J. RIPARIAN CORRIDOR BOUNDARY -An imaginary line that is a defined distance upland from the TOP OF BANK of a given waterway.

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

L. STRUCTURE -A building or other major improvement that is built constructed or installed, not including minor improvements such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through Zoning Ordinances.

M. SUBSTANTIAL IMPROVEMENT -Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started, or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, SUBSTANTIAL IMPROVEMENT is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure.

   The term does not, however, include either:

   a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or

   b. Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

N. TOP OF BANK -The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the "bank full stage" or delineate the top of bank.

SECTION 3.9.003 – RIPARIAN CORRIDOR

The following riparian corridor shall be established:

A. Along the Grande Ronde River, the riparian corridor boundary shall be one hundred feet (100') from the top of bank.

B. Where the riparian corridor includes all or portions of a significant wetland as identified in the Local Wetland Inventory, the standard distance to the riparian corridor boundary shall be measured from, and include the upland edge of the wetland.

C. Except as provided for in Subsection B above, the measurement of distance to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward. In areas where the predominant terrain consists of steep cliffs the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance on from that point.

SECTION 3.9.004 – ACTIVITIES WITHIN THE RIPARIAN CORRIDOR

A. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided that the Community Development Director/Planner finds that they are designed to minimize intrusion into the riparian corridor and no other options or locations are feasible:

1. Streets, roads, and paths;

2. Water related and water dependent uses, such as, but not limited to, drainage facilities, water and sewer utilities, erosion or flood control facilities and drainage pumps;

3. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

4. Structures or other non-conforming alterations existing fully or partially within the riparian corridor may be expanded provided the expansion does not occur within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall require compliance with the standards of this Article.

5. Existing lawn within the riparian corridor may be maintained, but not expanded within the riparian corridor. The use of herbicides and pesticides in these areas shall be avoided. Development activities on the property shall not justify replacement of riparian corridor with lawn.

6. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Community Development Director/Planner and the appropriate natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less invasive or non-structural methods will not adequately meet the stabilization or flood control needs.

B. Removal of riparian vegetation is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.

2. Removal of vegetation necessary for the development of approved water related or water dependent uses or for development of uses authorized under Subsection A above. Vegetation removal shall be kept to the minimum necessary to allow the approved use.

3. Trees in danger of falling and thereby posing a hazard to life or property may be removed following consultation and approval from the Community Development Director/Planner. If no hazard will be created, the Community Development Director/Planner may require these trees, once felled, to be left in place in the riparian corridor. Any trees removed are required to be replaced by like native species or alternate approved native species.

C. Exceptions
The following activities are not required to meet the standards of this Section.

1. Commercial forest practices regulated by the Oregon Forest Practices Act.

2. Normal and accepted farming practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the riparian corridor prior to the date of adoption of this Article. Ongoing agricultural practices existing in the riparian corridor prior to the date of adoption of this Ordinance on land not zoned for exclusive farm use are allowed in the riparian corridor subject to the definition and requirements of non-conforming uses.

D. Land Division and Property Line Adjustments
Land Divisions and Property Line Adjustments that would create parcels that can not be developed in conformance with this Article are prohibited.

SECTION 3.9.005 – ALTERATION REQUIRING MITIGATION

A. Permanent alteration of the riparian corridor by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of Subsection B of this Section.

1. A Variance to the riparian setback approved through the procedures of Subsection C of this Section.

2. Along the Grande Ronde River riparian corridor, the riparian setback may be reduced as allowed under Subsection D of this Section.

B. Proposals for development activities within the riparian corridor allowed in Subsection A of this Section shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW) as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy and a mitigation recommendation shall be obtained. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, for purposes of designing appropriate mitigation, sites should be considered at least in "Habitat Category 2" (OAR 635-415-030), which strives for no net loss of habitat values.

C. Administrative Variance

1. A property owner may request an Administrative Variance to the riparian setback. Granting of an Administrative Variance requires findings that:

   a. The proposed development requires deviation from the .riparian standards; and

   b. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity; and

2. Administrative Variances shall be processed in accordance with Article 9.2 of this Code.

D. Large Stream Riparian Reduction

Along the Grande Ronde River riparian corridor, where a one hundred foot (100') riparian buffer is established, structures and impervious surfaces may be placed within the riparian setback as follows:

1. The removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species and the proposal shall specify replacement of that vegetation with native species.

2. The applicant shall provide sufficient information regarding the proposed development and potential impacts to riparian resources to allow the Community Development Director/Planner, in consultation with the ODFW, to determine that the proposal will provide equal or better protection of riparian resources. information includes but is not necessarily limited to:

   a. A plot plan showing the top of the stream or water body bank;

   b. The extent of development within the riparian setback;

   c. Uses that will occur within the riparian setback and potential impacts (for example: chemical runoff, noise, etc.);

   d. The extent of vegetation removal;

   e. Proposed characteristics of the existing vegetation (types, density);

   f. Any proposed alterations of topography or drainage patterns; and

   g. Existing uses on the property and any potential impacts they could have on riparian resources.

3. In no case shall such alterations occupy more than fifty percent (50%) of the width of the riparian corridor measured from the upland edge of the corridor.

ARTICLE 3.10 - DUST CONTROL STANDARDS

SECTION 3.10.001 - PURPOSE

The purpose of the dust control standards are to reduce the amount of particulate matter, especially the amount of fine particulate matter under ten (10) microns in size (PM_{10}) which become suspended in the air as a result of construction or increased traffic on streets resulting from new developments. These measures are designed to help keep the City in compliance with EPA standards for air quality.

SECTION 3.10.002 - STANDARDS

A. Air Quality

The discharge of air contaminants from any development shall not exceed the limits set forth in this section or those limits established by the Oregon Department of Environmental Quality pursuant to ORS 468.035, whichever are the more stringent. The discharge shall be measured at the source, except for suspended particulate matter, carbon monoxide, and lime dust, which shall be measured at any contamination locale.

1. Smoke measured at the point of discharge into the air shall not exceed an opacity of twenty percent (20%) for more than three (3) minutes in one (1) hour. An exception would be allowed for legal burning authorized by permit during open burning season.

2. Total Suspended Particulate Matter is a State Standard while others are Federal and State Standards. The following contaminants shall not exceed the current standards:

Air Contaminant	Averaging Time	Standards
a. Total Suspended Particulate Matter	1) Annual Geometric Mean 2) 24 Hours	60 ug/m 150 ug/m
b. Carbon Monoxide	1) 8 Hours 2) 1 Hour	0.9 ppm 0.35 ppm
c. Sulfur Dioxide	1) Annual Arithmetic Average 2) 24 Hours 3) 3 Hours	60 ug/m 0.10 ppm 0.50 ppm
d. Ozone	1) 1 Hour Oxidants	0.12 ppm
e. PM_{10} Small Particulate Matter <10 mg	1) Annual Geometric Mean 2) 24 Hour	50 ug/m 150 ug/m
f. Lead	1) Annual Average Concentration	1.5 ug/m
g. Nitrogen Dioxide	1) Annual Arithmetic Mean	0.053 ppm

B. Control Mud/Dirt Carryout

1. Street Cleaning

No person shall engage in any dust producing construction related activity at any work site unless the paved streets (including shoulders) adjacent to the site where the construction related activity occurs are cleaned at a frequency of not less than once a day unless:

a. Vehicles do not pass from the work site onto adjacent paved streets, or,

b. Vehicles that do pass from the work site onto adjacent paved streets are cleaned and have loads secured to effectively prevent the carryout of dirt or mud onto paved street surfaces.

2. Spills

Earth or other material that is deposited by trucking and earth-moving equipment on paved streets not presenting a traffic safety concern shall be removed within eight (8) hours.

C. On-Site Dust Containment

If loose sand, dust, or dust particles from construction activity or material storage piles are found to contribute to excessive silt loadings on adjacent paved roads or property, the City shall notify the developer or responsible party of said land that said situation is to be corrected within a specified period of time, dependent upon the scope and extent of the problem. Techniques used to contain airborne dust may include application of water or dust palliatives, covering, shrouding, compacting, stabilizing, or other reasonably available dust control measures.

D. Unpaved Haul Roads

All unpaved roads or open ways of more than fifty feet (50') in length used by motor vehicles to transport materials to, from, and within the construction sites, shall be treated as needed with water or chemical suppressants to contain dust on-site.

E. Industrial Manufacturing and Commercial Staging Areas

No person shall allow the operation, use or maintenance of an industrial manufacturing or commercial staging area, unless a Dust Control Plan is approved by the Community Development Director/Planner. Such measures may include but are not limited to, adequate use of chemical suppressants, application of water, paving and other means as specified by the City.

F. Land Development

No person shall disturb or remove soil or natural cover from any area larger than five thousand (5,000) square feet and cause or permit the area to remain undeveloped for a period in excess of one (1) month unless a Dust Control Plan is approved by the City. Such measures may include but are not limited to application of adequate chemical dust suppressants, enclosures, re-vegetation, and other means as specified by the City.

G. Parking and Loading Facilities

All areas proposed to be used for off-street parking and maneuvering of vehicles, including driveways and truck loading areas, shall have either an concrete, oil mat or asphalt surfaces in conformance with Section 5.7.006(A).

Existing unpaved parking and staging areas shall be required to conform to the provisions of this Article at such time as a facility proposes to expand. Approved dust control measures may be

required in existing unpaved areas as an interim mitigation measure until paving occurs. [Ord. 2973, Feb. 7, 2001]

ARTICLE 3.11 - LIMITED USE OVERLAY DESIGNATION

SECTION 3.11.001 - PURPOSE

The purpose of this overlay designation is to limit the wide list of uses permitted outright or conditional uses permitted in a commercial or industrial zone, to a specific use or uses for a particular piece of property.

SECTION 3.11.002 - APPLICATION OF OVERLAY DESIGNATION

A. The Limited Use (LU) Overlay Zone shall be limited to the specific use or uses approved by the City Council, upon recommendation from the Planning Commission.

B. The Limited Use (LU) Overlay Zone shall only be used with the following underlying zones: Central Business (CB), General Commercial (GC), Interchange Commercial (IC), Light Industrial (M-1), and Heavy Industrial (M-2).

C. The Limited Use (LU) Overlay Designation cannot be used to authorize a use or uses not allowed in the underlying zone.

D. The development standards of the underlying zone shall apply.

E. The Limited Use (LU) Overlay Zone shall be applied or amended by the procedures in Chapter 9, Articles 9.3 and 9.4 of this Code.

F. Subsequent to approval by the City Council, the Limited Use Overlay Designation will be placed on the City Zoning Map to indicate the property is subject to a limited use overlay designation.

ARTICLE 3.12 - FLOOD PLAINS

SECTION 3.12.001 - PURPOSE

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

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. 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;

F. 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;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 3.12.002 - METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purpose, this article includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 3.12.003 - APPLICABLE LANDS
This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of La Grande.

SECTION 3.12.004 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD
The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of La Grande" dated April 3, 1996, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at City Hall, 1000 Adams Avenue, La Grande, Oregon.

The maps and study may be periodically revised or modified by the Federal Emergency Management Agency (FEMA) in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (PL 92-234). These changes are technical in nature and are made in order to reflect new or revised data on base flood elevations, ground elevations, flood control structures or other factors. In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, the City of La Grande shall utilize any such revisions or modifications upon the effective date.

SECTION 3.12.005 - ABROGATION AND GREATER RESTRICTIONS
This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 3.12.006 - INTERPRETATION
In the interpretation and application of this Ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and,

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 3.12.007 - WARNING AND DISCLAIMER OF LIABILITY
The degree of flood protection required by this Ordinance 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 man-made or natural causes. This Ordinance 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 Ordinance shall not create liability on the part of the City of La Grande, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 3.12.008 - ESTABLISHMENT OF DEVELOPMENT PERMIT
A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.12.004. The permit shall be for all structures including manufactured homes, as set forth in the definitions Chapter 1 and for all other development including fill and other structures, also as set forth in the definitions Chapter 1.

B. Application for a development permit shall be made on forms furnished by the City of La Grande Community Development Director/Planner and may include but not be limited to: [Ord. 3047, July 12, 2006]

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

2. Existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

   a. Elevation in relation to mean sea level, or the lowest floor (including basement) of all structures;

   b. Elevation in relation to mean sea level to which any structure has been flood proofed;

   c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 3.12.014(B)(2); and,

   d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

C. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1') at any point.

SECTION 3.12.009 - DESIGNATION OF THE CITY OF LA GRANDE COMMUNITY DEVELOPMENT DIRECTOR/PLANNER

The City of La Grande Community Development Director/Planner is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provision. **[Ord. 3047, July 12, 2006]**

SECTION 3.12.010 - DUTIES AND RESPONSIBILITIES OF THE CITY OF LA GRANDE COMMUNITY DEVELOPMENT DIRECTOR/PLANNER

Duties of the City Community Development Director/Planner shall include, but not be limited to: [Ord. 3047,July 12, 2006]

A. Permit Review

1. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

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 3.12.015(A) are met.

4. Review all such development permits to ensure that the proposed grading and structures: [Ord. 3047, July 12, 2006]

   a. Will not reduce the channel flow capacity or storage volume necessary to deep flood hazards at an acceptable level of risk; and,

   b. Will not cause adverse changes in the location and extent of the flood plain or increase flood elevations.

B. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.12.004 - Basis for Establishing the Areas of Special Flood Hazard, the City Community Development Director/Planner shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Section 3.12.014 - Specific Standards, and Section 3.12.015 - Floodways.

C. Information to be Obtained and Maintained by the City Building Official in Coordination with the City Community Development Director/Planner

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 3.12.010(B), obtain and record with the Building Permit 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. [Ord. 3047, July 12, 2006]

2. For all new or substantially improved flood proofed structures:

   a. Verify and record with the Building Permit the actual elevation in relation to mean sea level), and, [Ord. 3047, July 12, 2006]

   b. Maintain the flood proofing certifications required in Section 3.12.010(A).

3. Maintain for public inspection all records pertaining to the provisions of this Ordinance.

D. Alteration of Watercourses

1. Notify adjacent communities, the Department of Land Conservation and Development and the United States Army Corps of Engineers prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. [Ord. 3047, July 12, 2006]

2. Require that maintenance is provided within the altered or relocated portion of said 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 Section 3.12.012.

SECTION 3.12.011 - VARIANCE PROCEDURE

Please refer to Article 8.4, Section 8.4.004 for Variance Procedures.

SECTION 3.12.012 - VARIANCE CRITERIA

A. Appeal Board

1. The City of La Grande Planning Commission as established by the La Grande City Council shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. In passing upon such applications, the La Grande Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:

   a. The danger that materials may be swept onto other lands to the injury of others;

   b. The dangers to life and property due to flooding or erosion damage;

   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

   d. The importance of the services provided by the proposed facility to the community;

   e. The necessity to the facility of a waterfront location, where applicable;

   f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

   g. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;

   h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   i. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

   j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors of Sections 3.12.012(A)(2) and the purposes of this Ordinance, the City Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

4. The City Community Development Director/Planner shall maintain the records of all appeal actions and report any variances to the Federal Administration upon request. [Ord. 3047, July 12, 2006]

B. Conditions for Variances

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-

half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections a through j, in Section 3.12.012(A)(2) have been fully considered. As the lot size increases the technical justification required for issuing the variance increase.

2. Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places on the State Inventory of Historic Places, without regard to the procedures set forth in this section.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 3.12.012(A)(2), or conflict with existing local laws or Ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for 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 other variance criteria except Section 3.12.012(B)(2), and otherwise complies with Sections 3.12.013(A) and 3.12.013(B) of Article 3.12.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 3.12.013 - PROVISIONS FOR FLOOD HAZARD REDUCTION

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

A. Anchoring

1. All new construction and substantial improvements shall be adequately anchored to prevent floatation, collapse, or lateral movement of the structure.

2. All manufactured homes to be placed within Zone "A" shall be installed using methods and practices that minimize flood damage.

   For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement.

   Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

B. Construction Materials and Methods
   1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

   2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

   3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities
   1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

   2. 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 flood waters; and,

   3. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals
   1. All subdivision proposals shall be consistent with the need to minimize flood damage;

   2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

   3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

   4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments including proposals for manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres (whichever is less).

E. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study from another source Section 3.12.010(B), applications for Building Permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

SECTION 3.12.014 - SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.12.004 - Basis for Establishing the Areas of Special Flood Hazard, or Section 3.12.010(B) - Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction

1. New construction and substantial improvement of a residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above base flood elevation.

2. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding, 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:

   a. A minimum of two (2) openings having a total net area of not less than one square inch (1" square) for every square foot (1' square) of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one foot (1') above grade.

   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. 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 or above the base flood level; or, together with attendant utility and sanitary facilities, shall:

1. Be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications, including the specific elevation to which such

structures are flood proofed, shall be provided to the official as set forth in Section 3.12.010(C)(2).

4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 3.12.014(A)(2).

5. Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level [e.g., a building flood proofed to the base flood level will be rated as one foot (1') below].

C. Manufactured Homes and Recreational Vehicles

1. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on sites:

   a. Outside of a manufactured home park or subdivision,

   b. In a new manufactured home park or subdivision,

   c. In an expansion to an existing manufactured home park or subdivision, or

   d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot (1') above the base flood elevation and securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement in accordance with provision of SubSection 3.12.013(A)(2).

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE that are not subject to the provision of Section 3.12.014(C)(1) be elevated so that either:

   a. The underside of the floor of the manufactured home is to be a minimum of one foot (1') above the base flood elevation, or

   b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

3. All recreational vehicles placed on sites within Zones A1-30, AH, and AE either:

   a. Be on the site for fewer than one hundred eighty (180) consecutive days,

   b. Be fully licensed and ready for highway use, or

   c. Meet the permit requirements of Section 3.12.010(A) and the elevation and anchoring requirements for "Manufactured Homes" in Section 3.12.014(C)(1).

4. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 3.12.015 - FLOODWAYS

Located within areas of special flood hazard established in Section 3.12.004 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

B. If Section 3.12.015(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Section 3.12.013 - Provisions for Flood Hazard Reduction.

SECTION 3.12.016 - STANDARDS FOR SHALLOW FLOODING AREA (AO ZONES)

Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from one to three feet (1' - 3') where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, (at least two feet (2') if no depth number is specified); or

B. New construction and substantial improvements of nonresidential structures with AO zones shall either:

1. Have the lowest floor (including basement) elevated above the adjacent grade at least as high was the depth number specified in feet on the FIRM, (at least two feet (2') if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 3.12.014(B)(3).

C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

ARTICLE 3.13 - AGRICULTURAL USE TYPES

SECTION 3.13.001 – AGRICULTURAL LAND USE

The Agricultural use types include the on-site production of plant and animal products by agricultural and silvicultural methods, including certain uses accessory to the above.

In any zone, as listed in Chapter 2 of the Land Development Code, and consistent with Article 3.15, the use of land for:

A. Crop tree farming;

B. Floricultural and horticultural cultivation and/or storage;

C. Row and field crops cultivation for sale including their storage, packing and shipping;

D. Community gardens, greenhouses;

E. Forestry development, production and processing including logging operations, watershed protection and wildlife habitat;

F. Animal raising in which animals are fed or kept for animal products, animal increase, or value increase such as small and large animal raising including specialty, non-domestic, and aquatic species;

G. Animal waste processing including animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation for use as a commercial fertilizer or soil amendment and including composting operation;

H. Packing and processing of agricultural crops, animals and their by-products which entails more than picking, cutting, sorting, and boxing or crating and includes canning, packing or processing of crops, animals or their by-products regardless of where they were grown; and,

I. Primary processing of forest products which includes the packing, storage and shipment of plant material collected on forest lands, and the manufacture, storage and shipment of wood products including dimension lumber, fence posts, firewood, and wood chips or sawdust and the like, but does not include pulp and paper mills, plywood, particle board and hardboard manufacture, furniture making or other processing utilizing input other than raw materials of forest origin.

ARTICLE 3.14 - ACCESSORY USES

SECTION 3.14.001 – ACCESSORY USE TYPES

The following uses are considered to be accessory to the primary use. Those uses include caretaker's residences, garages, sheds for storage of lawn equipment or wood, signs including billboards when specifically cited, etc.

SECTION 3.14.002 – CARETAKER'S RESIDENCE STANDARDS [Ord. 2973, Feb. 7, 2001]

A. Only one (1) single family dwelling may be constructed, placed or occupied as a caretaker's residence on the lot(s) used for the business.

B. Prior to any new construction or placement, a Site Plan Application must be submitted and approved by the Community Development Director/Planner, followed by obtaining a Building Permit from the City Building Official.

C. The caretaker's residence shall have the appearance of and be maintained as an integral part of the business.

D. Two (2) off-street parking spaces must be provided for the caretaker. Said spaces shall be in addition to the total number of parking spaces required for the business and shall only be accessed via the interior of the business lot.

E. The occupant of the caretaker's residence shall either be an employee of that business or the owner thereof. Proof of the employment relationship shall be provided to the City.

F. If the caretaker's residence is located within the main building of the business, it shall be limited to the second floor and above or twenty five percent (25%) of the ground floor of multi-level buildings, or greater than twenty five percent (25%) with a Conditional Use Permit. The residence shall be accessed via the interior of the business building. [Ord. 3047, July 12, 2006]

ARTICLE 3.15 - LIVESTOCK USES

SECTION 3.15.001 - PERMITTED ZONES/LOT SIZE REQUIREMENTS

A. Livestock use is permitted outright in the Hillside Development Residential (HD) and Rural Residential (RR-1) Zones under the following conditions:

1. Lot size must be a minimum of twenty thousand (20,000) square feet.

2. At least ten thousand (10,000) square feet of the lot must be in pasture, exclusive of primary or accessory buildings.

B. Livestock use is prohibited in the R-1, R-2, R-3, and R-P Residential Zones, as well as all Commercial and Industrial Zones. [Ord. 3047, July 12, 2006]

SECTION 3.15.002 - LIVESTOCK REQUIREMENTS

A. The total number of all animals over the age of six (6) months allowed on a lot shall be limited to the square footage of the pasture divided by the minimum area required for each animal as listed below:

Horse, Mule or Burro.	10,000 square feet
Cow	10,000 square feet
Goat	5,000 square feet
Sheep	5,000 square feet
Llamas	5,000 square feet
Poultry	500 square feet
Rabbits	500 square feet

B. Adequate fences and corrals shall be required to keep animals off adjacent lands and proper sanitation shall be maintained at all times. [Ord. 3047, July 12, 2006]

C. Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of thirty-five feet (35') from a side or rear property line and fifty feet (50') from the front property line.

ARTICLE 3.16 - NONCONFORMING USES

SECTION 3.16.001 - PURPOSE

The purpose of these regulations is to control, improve, or terminate uses which do not conform to the Land Development Code.

SECTION 3.16.002 - NONCONFORMING USE DEFINED

Nonconforming use includes any of the following which were lawfully established before the effective date of this Code:

A. A building, structure (including signs), land use, or activity which was established or is conducted in a manner which does not conform with one or more standards or permit requirements of this Code.

B. A use of land established in a location where such use is not identified as allowable by this Code.

SECTION 3.16.003 - RIGHT TO CONTINUE NONCONFORMING USE

A nonconforming use established prior to the effective date of this Code, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained, except as otherwise provided by this chapter. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

SECTION 3.16.004 - ISSUED BUILDING PERMIT

Nothing contained in this Code shall be deemed to require any change in the plans, construction, or designated use of any building for which a Building Permit has been issued and for which substantial site work has been lawfully completed prior to the effective date of this Code.

SECTION 3.16.005 - PRE-EXISTING CONDITIONAL USES

In the event the La Grande Urban Growth Boundary or City limits are expanded to include a pre-existing Conditional Use approved by the Union County Planning Commission or Union County Commission, the conditions imposed by the County shall continue in full force and effect until such time as the use is discontinued or changed through a lawful planning process. Failure to meet the conditions of approval by the County may cause revocation of the Conditional Use Permit by the City.

SECTION 3.16.006 - NONCONFORMING USES OF LAND

Any nonconforming use of land may be continued as follows:

A. Expansion - The use may not be enlarged, increased, or extended to occupy a greater area of land than that occupied by such use on effective date of this Code.

B. Discontinued Use - If the nonconforming use of land is discontinued for a period of one (1) year, any following use is to be in conformity with all applicable requirements of this Code.

In the case of mineral and aggregate extraction sites, if the nonconforming commercial mining activity is discontinued for a period of one (1) year, a resumption of mining activity shall be subject to review by the Community Development Director/Planner. The Community Development Director/Planner shall approve the resumption of mining upon a finding that

residential development in the area would not result in conflicts with mining. If nonconforming mining activities are discontinued for a period of one (1) year, the use shall cease to be allowed. This also includes the keeping of livestock.

C. Single Family Residential Use - A detached single family residential structure existing as a principal use may be continued as a residential use and not subject to Subsection A of this section, and may be altered, provided that no increase in the number of dwelling units, or increase greater than twenty-five percent (25%) in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this Code and is limited to one (1) time only for reconstruction.

SECTION 3.16.007 - NONCONFORMING USES OF A CONFORMING BUILDING

The use of a building which is in conformity with the provisions of this Code for a nonconforming use may be continued as follows:

A. Extension of Use - The use may be extended throughout the building provided no structural alterations to the building are made except those required by law or Ordinance.

B. Discontinued Use - If the nonconforming use of the building is discontinued for a period of one (1) year or more, any following use of the structure is to be in conformity with all applicable requirements of this Code.

SECTION 3.16.008 - NONCONFORMING STRUCTURES

Any structure which does not conform to the development requirements specified in this Code may continue to be used provided that: [Ord. 3047, July 12, 2006]

A. Alterations and Expansions - The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for a minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or Ordinance. Should alterations or expansions exceed fifty percent (50%) or more of the assessed value of the improvements, according to the Union County Assessor's records, the entire structure and site shall be brought into compliance with this Code. [Ord. 2973, Feb. 7, 2001]

B. Damaged or Destroyed Structures - If a nonconforming structure is damaged or destroyed by an occurrence beyond the property owner's control, causing direct physical loss, the damaged or destroyed structure may be repaired or replaced provided that the original nonconforming yards are not reduced and the original nonconforming heights or land coverage are not increased. There shall be a one (1) year time limit for receiving a Building Permit to reconstruct a Nonconforming Use, and two (2) years maximum from the date of issuance of the Building Permit to complete construction. [Ord. 2973, Feb. 7, 2001; Ord. 3047, July 12, 2006]

C. Flood Hazard Areas – The provisions of this Article shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of Article 3.12 of this Code. [Ord. 2973, Feb. 7, 2001]

Notwithstanding Subsection A above, an existing single family dwelling or accessory building nonconforming as to yard requirements may be extended in depth along the nonconforming building line to a maximum of one-half the length of the existing dwelling provided that such enlargement does not increase any other nonconformity which may exist and conforms to all other regulations of the zone in

which it is located. Such authorizations shall be granted by the Community Development Director/Planner only after receipt of a written consent from the property owner(s) abutting the nonconforming yard. Nonconforming single family dwellings with front or rear yards less than ten feet (10') in depth or side yards less than three feet (3') in depth shall not be eligible for the expansion allowed by this Subsection. [Ord. 2989, Dec. 5, 2001]

SECTION 3.16.009 - SUBSTITUTION OF USE

A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted for the zone in which the property is located.

A. The new use constitutes a conversion, as provided in Section 3.16.010.

B. Any modifications or alterations to the structure occur as provided by Section 3.16.008; and,

C. Where a building or site does not conform with the parking standards of Article 5.7 of this Code, substitution shall not occur unless:

1. The new use is required to provide the same number of parking spaces as the existing use, in which case no additional parking is required; or

2. Where new use is required to have a greater number of spaces that the existing use, the number of spaces provided is to be the difference between those required for the new use and those required for the existing uses.

SECTION 3.16.010 - CONVERSION OF USE

Any nonconforming use may be changed to an allowable use provided that all applicable permit requirements and standards of this Code are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use shall not be resumed and a Notice of Conversion, in a form approved by the Community Development Director/Planner, shall be recorded in the Union County Deed Records. [Ord. 2973, Feb. 7, 2001]

SECTION 3.16.011 - NONCONFORMING PARCELS

A. Legal Nonconforming Parcel and Lot Defined - Any parcel or lot having an area less than the smallest minimum lot size required, or having a frontage, width, or depth less than the minimum prescribed by this Code or other Ordinances, is a legal nonconforming parcel or lot if:

1. The parcel or lot is shown on a duly approved and recorded partition or subdivision map; or

2. The parcel or lot was created by means which were consistent with applicable legal requirements at the time it was created.

B. Use of Nonconforming Parcels or Lots - A legal nonconforming parcel or lot may be used as follows:

1. Allowable Uses - A legal nonconforming parcel or lot may be used for any use permitted by the zone in which it is located, subject to all applicable requirements of the zone.

2. Redivision - Any group of nonconforming parcels or lots may be redivided by partition or subdivision, provided that:

   a. Such division is in accordance with all applicable requirements of this Code.

   b. No parcel or lot is less than the minimum area required.

3. In any zone in which single family dwellings are permitted, a single family dwelling and accessory buildings may be erected on a legal nonconforming lot of record notwithstanding the limitations imposed by this Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot area applicable in the zone, provided that yard dimensions and requirements other than those applying to area of the lot conform to the regulations for the zone in which the lot is located. Variance of such requirements shall be obtained only in accordance with Article 8.4 of this Code. [Ord. 2973, Feb. 7, 2001]

4. If two (2) or more lots or combinations of lots with continuous frontage in single ownership are of record on the date of this Code, and if all or part of the lots do not meet the requirements established in this Code for lot area, the land involved shall be considered to be an undivided parcel for the purposes of this Code. No portion of the parcel shall be used or sold in a manner which diminishes compliance with lot size requirements established by this Code, nor shall division of any parcel be made which creates a lot with a size below the minimum requirements stated in this Code. [Ord. 2973, Feb. 7, 2001]

ARTICLE 3.17 - SPECIFIC PLAN OVERLAY

SECTION 3.17.001 – PURPOSE

The purpose of a Specific Plan Overlay is to provide a detailed phased master plan for land use, streets, and utilities for a minimum land area of forty (40) acres within the Urban Growth Boundary or city limits. The Specific Plan is intended to guide growth and development over a ten to twenty (10 – 20) year period. The Specific Plan is intended to create an integrated and connected street pattern, a coordinated utility plan, a coordinated open space system, strong connections to off-site services, densities and intensity of use that meet minimums outlined in the Comprehensive Plan, neighborhood focal points, buffers to incompatible land uses; and to sensitively incorporate natural and historic areas. The Specific Plan encourages a mix of land uses that result in transportation efficient land use and pedestrian-oriented development. The Specific Plan is a zoning tool to encourage a planned neighborhood or employment district with all necessary services included in the plan.

SECTION 3.17.002 – MINIMUM SPECIFIC PLAN OVERLAY CRITERIA

The minimum area shall be forty (40) acres.

SECTION 3.17.003 – PERMITTED USES

Any use types which are either permitted or conditionally permitted, as provided by Chapter 3 may be permitted within said Specific Plan Overlay. All use types which will be included within a Specific Plan Overlay shall be included in the Development Plan.

SECTION 3.17.004 – REVIEW PROCEDURE

The application for a Specific Plan Overlay shall be subject to the Planning Commission and City Council review procedure and shall be adopted by Ordinance of the City of La Grande. The application shall be accompanied by any such information as listed on the application submittal checklist. The applicant may request that approval of the Specific Plan and any related preliminary Subdivision or Partition Plats be considered in the same proceeding. An application for a Specific Plan Overlay may be initiated by the City Council to guide land development in a coordinated and master planned fashion.

A. Prior to submission of an application for a Specific Plan Overlay, the prospective applicant shall submit to the Community Development Department/Planning Division a Concept Plan prepared in accordance with the standards provided in Section 3.17.005 below. Upon receipt of the Concept Plan, Staff shall schedule and hold a Concept Plan Review Conference. Representatives of the Community Development, Fire, Police, and Public Works Departments may attend and, at the discretion of and as deemed desirable and necessary by the Community Development Director/Planner, representatives from other County, public departments, or agencies, may be invited to attend the conference.

B. The Planning Commission shall consider the Specific Plan Overlay application at a public hearing, pursuant to the procedures in Chapter 9 for zoning map amendments. Approval of the Concept Plan shall be subject to the criteria for Concept Plan approval found in Section 3.17.006. If requested by the applicant, the hearing body shall consider but may not approve the Development Plan and any related Preliminary Subdivision or Partition Plans at the same public hearing as the Concept Plan. Approval of the Development Plan shall be subject to the criteria in Section 3.17.009.

C. After the Planning Commission public hearing, and upon recommendation for approval by the Planning Commission, the City Council shall consider the Specific Plan Overlay application at a public hearing, pursuant to the procedures in Chapter 9 for zoning map amendments. The Specific Plan Overlay shall be approved by ordinance.

D. The applicant must request approval of the Development Plan and any Preliminary Subdivision or Partition Plan within one (1) year; provided, however, that if the Development Plan provides for more than one (1) phase of development, only a preliminary Subdivision or Partition Plan for the first phase need be submitted for approval.

E. Development Plans submitted pursuant to Subsection C above shall be considered pursuant to the criteria of Section 3.17.009.

F. Preliminary Subdivision or Partition Plans for a Specific Plan Overlay shall be reviewed pursuant to the applicable land division procedures and criteria of Chapter 4 of this Code, and must conform to the approved Development Plan.

SECTION 3.17.005 – CONCEPT PLAN CONTENT

A. General Narrative – A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed Specific Plan Overlay, including proposed uses and activities, proposed residential densities if appropriate, proposed commercial or industrial intensity of use if appropriate, proposed types and levels of public facilities and services, and physical land alteration required by the development; and the relation of the proposed Specific Plan Overlay to the La Grande Comprehensive Plan.

B. General Site Plan - A generalized Site Plan showing the entire parcel with schematic indications of approximate locations of lots and/or buildings, public and private rights-of-way, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

SECTION 3.17.006 - CONCEPT PLAN APPROVAL CRITERIA

A. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes of over twenty-five percent (25%), engineering drawings must be submitted to satisfy engineering specifications. This requirement can be satisfied by submitting engineering drawings with the Development Plan provided that the Concept Plan is accompanied by a civil or geotechnical engineer's statement that the proposed uses and improvements can be safely constructed without disturbance to slope stability and can avoid any negative impacts on surrounding properties resulting from geotechnical concerns associated with the development proposal.

If the site is within a flood hazard area, conditions as outlined by the Building Official and Flood Hazard Article must be met.

B. Fire Protection - The proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting

equipment; hydrant placement, fire flows, building sprinkler systems and any other fire suppression systems required by the Fire Chief.

C. Access - The development must be accessible by improved City public streets.

D. The proposed Specific Plan is consistent with the La Grande Comprehensive Plan and the La Grande/Island City Transportation System Plan.

E. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e. standards deemed necessary to protect the public health, safety and welfare, or to mitigate impacts on surrounding lands).

SECTION 3.17.007 - DEVELOPMENT PLAN CONTENT

A. Statement of Intent - An overall development scheme which states the development intentions of the landowner(s) regarding the property, including but not limited to the following:

1. A statement of location and intensity of proposed uses and activities, including public and private open spaces.

2. A physical description of proposed facilities accommodating such uses, including types of buildings, structures and landscape, and circulation elements.

3. A statement of location and general configuration of lands to be dedicated for public open space and other public uses.

4. A general designation of utilities.

5. A statement detailing the consistency of the proposed development project with major public development programs, including but not limited to:

   a. Freeways

   b. Highways

   c. Parks

   d. Pedestrian and bicycle facilities

   e. Open spaces

   f. Utility transmission lines

   g. Storm drainage facilities

   h. Phased schedules of proposed major public facilities

   i. Wetlands

   j. Flood Plains

k. Geological hazards

l. Transit facilities

6. A statement describing how the proposed Specific Plan is consistent with the provisions of the La Grande Comprehensive Plan and the La Grande/Island City Transportation System Plan.

B. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate:

1. Perimeter boundaries of the site.

2. Streets and driveways.

3. Sidewalks and pedestrian ways and off-street parking and loading areas.

4. Location and approximate dimension of buildings and structures.

5. Utilization of buildings and structures, including activities and the number of living units.

6. Reservations for public uses, including schools, parks, playgrounds, and other open spaces.

7. Major landscaping proposals.

8. The Community Development Department/Planning Division may require graphics presenting additional information as is determined necessary to support the Statement of Intent.

C. Description of Surrounding Area - A statement which provides information on the character and use of the surrounding area within two hundred fifty feet (250') of the limits of the development.

D. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the Specific Plan Overlay. The contents of the Background Report may include, but are not limited to the following information:

1. A Preliminary Development Schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total area in each separate phase and percentage of such area to be devoted to particular uses, parking required and provided and an indication of the proposed number and type of dwelling units by phase of development.

2. A Preliminary Population Schedule, including estimated residential population for the entire project at its completion and for each type of dwelling unit for each phase of development, calculation of the average residential density per gross acre and per net residential acre by phase, and estimated nonresidential uses included in the proposal and a statement supporting inclusion of such nonresidential uses.

3. An Utility Master Plan demonstrating required public utility sizing and appurtenances, connections to the City system and a statement relating the utility system designs to the requirements of City standards and any City Utility Master Plans.

SECTION 3.17.008 - SITE DESIGN AND DEVELOPMENT STANDARDS

A. The site development standards contained in Chapter 5 for Lot Size and Shape and Building Setbacks and Yards, may be waived for a Specific Plan Overlay providing that the Development Plan for Specific Plan Overlay should indicate where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety and welfare.

B. Standards for roadway improvements contained in Chapter 6 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty foot (50') wide right-of-way, eight inches (8") of base rock, twenty-four foot (24') wide pavement, and two foot (2') wide gravel shoulders for a total improved top width of twenty-eight feet (28'), and adequate drainage facilities as required by the City.

SECTION 3.17.009 - DEVELOPMENT PLAN APPROVAL CRITERIA

A. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use, in a manner compatible with adjacent uses and consistent with the approved Concept Plan.

B. The Planned Unit Development Residential Density Standards in Section 3.7.009(B) shall apply to the Development Plan.

SECTION 3.17.010 - AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Community Development Department/Planning Division. Minor revisions (resulting in no change in the number of housing units) may be approved administratively by the Community Development Director/Planner. Major revisions (resulting in a change in the number of housing units) shall be referred to the Planning Commission and City Council for consideration pursuant to the procedures of Chapter 9 of this Code and the approval criteria of Section 3.17.006 or Section 3.17.009, as appropriate.

ARTICLE 3.18 – OUTDOOR STORAGE

SECTION 3.18.001 – PURPOSE

The purpose of the Outdoor Storage regulations is to enhance the appearance and image of the City of La Grande and maintain property values. [Ord. 2989, Dec. 5, 2001]

SECTION 3.18.002 – OUTDOOR VEHICLE STORAGE

It shall be a violation of this Ordinance to park, store, leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or parts thereof which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property for a period in excess of seventy-two (72) hours, except that two (2) or fewer such vehicles or parts thereof may be stored if within a completely enclosed building or behind a sight-obscuring fence or vegetative buffer that blocks view from a public street or adjacent property. For the purposes of this Article, any vehicle that is not currently licensed for operation on public highways shall be considered inoperable. This Section shall not prohibit the outdoor storage of vehicles or parts thereof at legally established vehicle wrecking yards. [Ord. 2989, Dec. 5, 2001]

SECTION 3.18.003 – OUTDOOR MATERIAL STORAGE

No junk, vehicle parts, household furniture, appliances, scrap material, equipment or parts thereof shall be stored in an open outdoor area. The accumulation of three (3) or more vehicles or an equivalent or greater volume of junk constitutes a junk yard and shall be either removed from the property, stored behind a sight-obscuring fence or vegetative buffer that blocks view from a public street or adjacent property, moved to an enclosed building or located in an Industrial Zone (with screening as required by Article 5.5 of this Code). [Ord. 2989, Dec. 5, 2001; Ord. 3006, Feb. 5, 2003]

ARTICLE 3.19 – WETLAND PROTECTION AREAS

[Ord. 3014, July 4, 2003]

SECTION 3.19.001 – PURPOSE

The purpose of establishing wetland protection areas are:

A. To implement the goals and policies of the City of La Grande Comprehensive Plan;

B. To satisfy the requirements of Statewide Planning Goal 5;

C. To protect and restore the City of La Grande's wetland areas, thereby protecting and restoring the hydrologic and ecologic functions these areas provide for the community;

D. To protect fish and wildlife habitat;

E. To enhance and protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the effects of flooding;

F. To protect and restore the natural beauty and distinctive character of La Grande's wetlands as community assets;

G. To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity; and

H. To enhance coordination among local, State and Federal agencies regarding development activities near wetlands.

SECTION 3.19.002 – WETLAND PROTECTION AREAS, DEFINITIONS

The following definitions shall apply to this Article:

A. JURISDICTIONAL DELINEATION - A delineation of the wetland boundaries that is approved by the Oregon Division of State Lands (DSL).

B. LOCALLY SIGNIFICANT WETLAND - Locally significant wetlands are as determined by the provisions of OAR 141-86-0300 et seq.

C. LOCAL WETLANDS INVENTORY (LWI) - Maps and report entitled "City of La Grande Local Wetlands Inventory" and any subsequent revisions as approved by the Oregon Division of State Lands.

D. OREGON FRESHWATER WETLAND ASSESSMENT METHODOLOGY (OFWAM) - A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.

E. WETLAND - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

F. WETLAND PROTECTION AREA -An area that includes any wetland determined to be locally significant subject to the provisions of this Article.

G. WETLAND RESOURCE MAP -The local map which incorporates the DSL-approved Local Wetland Inventory map and identifies locally significant wetlands.

SECTION 3.19.003 – DETERMINATION OF LOCALLY SIGNIFICANT WETLANDS

The determination of locally significant wetlands shall be made by the City of La Grande in accordance with rules adopted by Division of State Lands (OAR 141-086-0300). Locally significant wetlands shall be identified on the City of La Grande Wetland Resource Map. [Ord. 3047, July 12, 2006]

SECTION 3.19.004 – WETLAND PROTECTION AREAS, APPLICABILITY, AND APPLICATION SUBMITTAL REQUIREMENTS

A. Wetland protection areas consist of locally significant wetlands identified on the Wetlands Resource Map.

B. The provisions of this Article shall be applied to any property or parcel containing wetlands identified as being locally significant. These provisions do not provide any exemption from State or Federal regulations.

C. Unless otherwise stated, the approving authority shall apply the provisions of this Article, in conjunction and concurrently with any other Development Permit being sought by an applicant. If no other Permit is being sought the Community Development Director/Planner shall serve as the approving authority.

D. Applications for Plan approvals, Development Permits, or Building Permits, and plans for proposed public facilities on parcels containing a wetland protection area, or a portion thereof, shall contain the following:

1. A delineation of the wetland boundary completed by a professional wetland scientist or similar expert qualified to delineate wetlands in accordance with Oregon Division of State Lands rules. If the proposed project is designed to avoid wetlands, a wetland determination report may be provided in place of the delineation.

2. A scale drawing that clearly depicts the wetland boundary, the surface water source, existing trees and vegetation, property boundaries, and proposed site alterations including proposed structures and paved areas.

3. Verification that the application packet has been submitted to the Oregon Department of Fish and Wildlife for review and comment.

SECTION 3.19.005 – APPROVAL CRITERIA

A. An applicant for a permit in a wetland protection area may request that the approval authority use one of two alternative review processes: Track 1 uses clear and objective criteria, and Track 2 uses discretionary criteria. The two (2) sets of criteria are listed below. The preferred track and criteria shall be noted on the permit application. The approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought:

1. Track 1 – Clear and Objective Approval Criteria
   a. The proposed project will not result in the elimination or filling of land that has been delineated as a significant wetland.

   b. The project will not result in development or filling of land within twenty-five feet (25') of the boundary of wetland that has been identified through the wetland determination process.

   c. The project satisfies the provisions of Sections 3.19.006 through 3.19.008 of this Article.

2. Track 2 – Discretionary Criteria
   a. The project will not degrade the hydrologic, ecologic, or land conservation functions of wetlands in the community;

   b. The project includes design features that will protect fish and wildlife habitat, enhance and protect water quality and natural hydrology, control erosion and sedimentation, and will not increase the effects of flooding;

   c. The project satisfies the provisions of Sections 3.19.006 through 3.19.008 of this Article.

B. When reviewing Development Permits or other planning applications for properties containing a wetland protection area, or portion thereof, the approving authority shall consider advisory recommendations from the Oregon Department of Fish and Wildlife regarding OAR 635-415 Fish and Wildlife Habitat Mitigation Policy.

SECTION 3.19.006 – PERMITTED ACTIVITIES WITHIN WETLAND PROTECTION AREAS

A. Any use, sign, or structure, and the maintenance thereof, that was lawfully existing on the effective date of this Ordinance, is permitted within a wetland protection area. Such use, sign, or structure may continue at a similar level and manner as existed on the effective date of this Ordinance. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a wetland protection area as long as no additional native vegetation is disturbed. The provisions of this Section shall not be affected by any change in ownership of properties containing a wetland protection area.

B. The following activities and maintenance thereof are permitted within a wetland protection area:

   1. Wetland restoration and rehabilitation activities;

   2. Restoration and enhancement of native vegetation;

   3. Cutting and removal of trees which pose a hazard to structures or people due to threat of falling;

   4. Removal of non-native vegetation, if replaced with native plant species at the same amount of coverage or density;

   5. Drainage way or ditch maintenance practices, other than structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices minimize sedimentation and impact to native vegetation;

6. Replacement of a permanent, legal, nonconforming structure in existence on the effective date of this Ordinance with a structure on the same building footprint, if it does not disturb additional area, and in accordance with the provisions of Article 3.16 of this Code;

7. Expansion of a permanent, legal, nonconforming structure in existence on the effective date of this Ordinance, if the expansion area is not within the wetland protection area, and in accordance with the provisions of Article 3.16 of this Code;

8. Emergency stream bank stabilization: and

9. Maintenance and repair of existing roads and streets, including repaving and repair of existing bridges, and culverts.

10. Development of new roads and streets, including the installation of bridges and culverts where a State or Federal permit either has been obtained or is not required. [Ord. 3047, July 12, 2006]

C. Applications for new fencing within a wetland protection area shall contain a scale drawing that clearly depicts the wetland area boundary. New fencing may be permitted by the Community Development Director/Planner where the applicant demonstrates that the following criteria are satisfied:

1. The fencing does not impact the hydrology of the site;

2. The fencing does not present an obstruction that would increase flood velocity or intensity;

3. Fish habitat is not affected by the fencing; and

4. The fencing is the minimum necessary to achieve the applicant's purpose.

D. It is necessary to secure any other State or Federal permits before commencing work in a wetland.

SECTION 3.19.007 – PROHIBITED ACTIVITIES WITHIN WETLAND PROTECTION AREAS

A. The following activities are prohibited within a wetland protection area, except as permitted in Section 3.19.006 - Permitted Activities Within Wetland Protection Areas.

1. Placement of new structures or impervious surfaces;

2. Excavation, grading, fill, or removal of vegetation, except for fire protection purposes;

3. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area;

4. Dumping, piling, or disposal of refuse, yard debris, or other material;

5. Discharge or direct runoff of untreated stormwater; and

6. Uses not allowed in the list of permitted uses for the underlying zone.

SECTION 3.19.008 – CONSERVATION AND MAINTENANCE OF WETLAND PROTECTION AREAS

A. When approving applications for Land Divisions, Planned Unit Developments, Conditional Use Permits, and Variances, or for Development Permits for properties containing a wetland protection area or portion thereof, the approving authority shall assure long term conservation and maintenance of the wetland protection area through one of the following methods:

1. The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in this Article and any imposed by State or Federal permits; or

2. The area shall be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through deed conditions, covenants, or restrictions prescribing the conditions and restrictions set forth in this Article and any imposed by State or Federal permits; or

3. The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in this Article and any imposed by State or Federal permits; or

4. The area shall be protected through other appropriate mechanisms acceptable to the City of La Grande which ensure long-term protection and maintenance.

SECTION 3.19.0092 – NOTIFICATION AND COORDINATION WITH STATE AGENCIES

A. The Oregon Division of State Lands shall be notified in writing of all applications to the City of La Grande for development activities - including development applications, Building Permits, and other development proposals - that may affect any wetland identified in the Local Wetlands Inventory. This applies for both significant and non-significant wetlands. The Division provides a Wetland Land Use Notification form for this purpose.

B. When reviewing Development Permits authorized under this Article, the approving authority shall consider recommendations from the Oregon Department of Fish and Wildlife regarding OAR 635-415 Fish and Wildlife Habitat Mitigation Policy.

SECTION 3.19.010 – VARIANCES

A. The Planning Commission shall be the approving authority for applications - for Variances to the Wetland Protection Area provisions. The procedures set forth in Article 8.4 shall be followed for approval of a Variance Permit except that the Variance criteria of this section shall apply.

B. Hardship Variances

The Planning Commission may grant a Variance Permit to any dimensional provision of this Article only when the applicant has shown that all of the following conditions exist:

1. The Variance is necessary to allow reasonable use of the subject parcel of land, which is owned by the applicant, and provided the subject parcel was not created after the effective date of this Article;

2. Strict application of the provisions of this Article would otherwise result in the loss of an existing buildable site for a use that is permitted outright in the underlying zoning designation, and for which the applicant has submitted a formal application;

3. The applicant has exhausted all other options available under this Article to relieve the hardship;

4. The Variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality;

5. No significant adverse impacts on water quality, erosion, or slope stability will result from approval of this Hardship Variance, or these impacts have been mitigated to the greatest extent possible; and

6. Loss of vegetative cover shall be minimized.

C. Mapping Error Variances and Corrections

The Community Development Director/Planner may grant a Variance Permit to any provision of this Article when the applicant has shown that a mapping error has occurred and the error has been verified by the Division of State Lands. Delineations verified by the Division of State Lands shall be used to automatically update and replace Local Wetland Inventory mapping. No formal Variance Permit application or amendment is needed for map corrections where delineations are provided.

CHAPTER 4 – SUBDIVISION, PARTITIONS AND LOT LINE ADJUSTMENT

ARTICLE 4.1 - BASIC PROVISIONS

SECTION 4.1.001 - PURPOSE

The purpose of this Chapter is to establish standards and procedures for subdividing, partitioning land and adjusting lot lines in the City of La Grande Urban Growth Boundary. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land and for the adjustment of lot lines, to provide for the proper width and arrangement of streets, pedestrian and bicycle connections, to coordinate proposed development with an overall plan, to provide for utilities and other public facilities, to avoid undue congestion of population, to assure adequate sanitation and water supply, to provide for the protection, conservation, and proper use of land, and in general to protect the public health, safety and welfare.

SECTION 4.1.002 - SCOPE OF REGULATIONS

A. No person shall partition, subdivide land or adjust lot lines within the City limits and Urban Growth Boundary except as provided in this Chapter. All Partition, Subdivision and Lot Line Adjustment plats, and all streets and ways utilized for the purpose of creating lots or parcels are required to be approved in accordance with these regulations. Forms depicted in the City of La Grande Standards, Specifications and Guidelines Manual may be obtained from the Community Development Department/Planning Division.

1. A person desiring to partition or subdivide land within the incorporated area of the City or Urban Growth Area shall submit a preliminary plat and final documents for approval as provided in this Chapter and ORS.

2. A person desiring to adjust a property line within the incorporated area of the City or within the Urban Growth Area shall submit a Lot Line Adjustment for approval as provided in this Chapter and ORS.

B. Recording a lot or parcel. No parcel created by Major or Minor Partitioning or Lot Line Adjustment shall be submitted for recording to the County Clerk nor have any validity unless it has been approved as required by this Chapter.

C. Sale of lots or parcels. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the Union County Clerk. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition a person may use the approved preliminary plat for such subdivision or partition.

D. Permits. No Building Permit, or permission for the connection to the City water or sewerage systems shall be given for any structure on a parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in a manner prescribed herein.

E. The City may withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein.

ARTICLE 4.2 - MAJOR AND MINOR LAND PARTITIONS

SECTION 4.2.001 - REVIEW PROCEDURE

Application for review of major partitions and subdivisions shall be subject to the Planning Commission and City Council Review Procedure. Application for review of minor partitions shall be subject to the Community Development Department/Planning Division Review Procedure. [Ord. 3047, July 12, 2006]

SECTION 4.2.002 - REVIEW CRITERIA

The preliminary plat for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:

A. The proposed preliminary plat is in conformance with all applicable provisions of this Code, other City Codes and Ordinances, and Oregon Law.

B. For a minor partition, no creation of a street or road is required.

C. The proposed partitioning of land does not prohibit the extension of existing or planned streets or roads or bicycle and pedestrian facilities.

D. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.

E. The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities. [Ord. 3047, July 12, 2006]

F. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

G. The existing sewer and water facilities are adequate to serve the proposed development, including water for fire protection and access sufficient for fire equipment. [Ord. 2989, Dec. 5, 2001]

H. The resulting lots will conform to the minimum size standards required in that zone.

I. Industrial parcels existing at the effective date of this Code of 20-80 acres in size shall not be partitioned unless a specific industrial use is proposed.

J. Separate water and sewer service will be provided to each parcel as it develops.

K. Major and Minor Land Partition developers shall dedicate required street right-of-way and/or easements for the purposes of providing required infrastructure or bringing an existing right-of-way closer to or into attainment with City standards. Easements shall not be used for access to partitioned parcels unless it is clear that a future public right-of-way will not be needed to serve the area (in cases such as a Flag Lot Partition).

If the property to be partitioned is located adjacent to or within three hundred feet (300') of lands currently served by City standard infrastructure improvements (measured along the same side of the street), the developer shall install City standard infrastructure improvements along the entire frontage of the partitioned lots before the plat is signed by the Community Development Director/Planner. As an alternative, the developer may provide the City with a performance bond to guarantee installation of the required improvements before occupancy of any dwelling on the partitioned parcels.

If the property to be partitioned is not located adjacent to or within three hundred feet (300') of lands currently served by City standard infrastructure improvements, the developer shall enter into an Agreement to guarantee installation of required public improvements including, but not limited to: street improvements, bicycle or multi-use paths, street trees, underground utilities (e.g., water, sanitary sewer, storm drainage, natural gas and electricity), curb, gutter and sidewalk and appurtenances as required by the Community Development Department/Planning Division to serve the properties being partitioned. Said Agreement shall include an irrevocable consent to participate in a Local Improvement District for financing the required improvements.

L. The Community Development Director/Planner and/or Planning Commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three (3) parcels without subdividing.

M. For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk. [Ord. 3047, July 12, 2006]

SECTION 4.2.003 - PROCESSING

In the processing of a major or minor land partition the following procedures shall be followed:

A. Initiation - An application for a land partition shall be initiated by the owner of the property for which the partition is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

B. Filing - An application for a land partition shall be filed on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, and shall set forth in detail all the information requested. The application shall be accompanied by any such information as listed on the application submittal checklist.

C. Filing Fee - Application for a land partition with the required information attached shall be accompanied by a filing fee set by Resolution of the City Council to defray the costs incidental to the proceedings.

D. Incomplete Application - No review shall be scheduled for a land partition if it is determined by the Community Development Director/Planner that the application does not provide the required information. Upon receipt of notification from the City that an application is incomplete, the applicant shall have up to sixty (60) days to supply the required information or the application shall be terminated by the City.

E. Review by the Community Development Department/Planning Division - Prior to a Minor or Major Partition application being scheduled for an administrative approval or any agenda, the Community Development Director/Planner shall have ten (10) working days in order to deem the application complete.

F. Review of the Preliminary Plat by Other Departments - No later than fifteen (15) days prior to the review date, the Community Development Director/Planner shall furnish one (1) copy of the preliminary plat and supplemental material to members of the Development Review Committee for their review and comment. These designated agencies may review the plan and return their recommendations in writing to the Community Development Director/Planner prior to the scheduled review date.

G. Property Inspection - All proposed partitions may be inspected by City staff prior to consideration by the review authority. If any unusual conditions such as improper site distances, excessive grades, improper drainage facilities or any other conditions that may have an adverse affect upon the surrounding property of La Grande are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the reviewing authority.

H. Conditions - The preliminary plat for a major or minor partition may be approved subject to conditions as judged necessary by the review authority.

I. Survey of Parcels - The review authority, in reviewing the preliminary plat, will require a survey. Following the approval of a preliminary plat for a partition, the partitioner shall cause the lots thus created to be accurately surveyed and monumented in accordance with standards established in ORS 92, as revised.

J. Submission of Final Plat - Within one (1) year of the date of approval of a preliminary plat, the partitioner shall prepare and submit a final plat which conforms with the approved preliminary plat and Section 4.2.004(B) of this Code. All materials necessary for final partition approval must be submitted prior to the partition expiration date. When a Conditional Use Permit or a Variance is a condition of approval, the one (1) year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance.

K. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final partition, a partitioner may apply for a time extension on forms provided by the Community Development Department/Planning Division accompanied by the fee as set forth by Resolution of the City Council. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3)

such extensions may be granted by the Community Development Director/Planner following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative partition was based have not changed to an extent sufficient to warrant re-filing of the tentative partition, and after a finding that no other development approvals would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the partitioner shall file a new application for review of the tentative partition.

L. If any of the following conditions (1 - 7) must be met, the City Surveyor shall affix his signature to the final partition plat.

1. Before approval is certified on the final plat, the partitioner shall:

   a. If required, install all improvements and repair existing streets, bicycle and pedestrian facilities, and other public facilities damaged in the development of the partition; or

   b. Execute and file with the Community Development Director/Planner an agreement between himself and the City specifying that within two (2) years all required improvements and repairs shall be completed, and providing that if such work is not completed within two (2) years, the City may complete the same, and recover the full cost and expense thereof from the partitioner. Any fire access or fire flow requirements must be in place prior to construction of any structure.

2. The required street improvements and repair of existing street and bicycle and pedestrian facilities shall be done in accordance with the requirements of the City Public Works Department/Engineering Division and the provisions of this Code.

3. If improvements are to be installed by the applicant under terms of an agreement:

   a. A bond or other security acceptable to the City Attorney may be required;

   b. Construction of the roads may be permitted in phases under conditions specified;

   c. Extension of the time limit may be granted under conditions specified; and,

   d. Termination of the agreement may be made upon the completion of proceedings pursuant to applicable statutes for the formatting of an assessment direction providing for the construction of the improvements specified in the agreement.

4. The partitioner shall file with the agreement (in Section 4.2.003(L)(1)(b)), to assure his full and faithful performance thereof, one of the following subject to the approval by the City:

   a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;

   b. Cash or certified check;

   c. Time deposit certificate payable to the City of La Grande;

d. Savings account assignment to the City of La Grande;

e. An irrevocable letter of credit in favor of the City of La Grande from a financial institution authorized to do business in the State of Oregon in a form acceptable to the City.

5. Such assurance of full and faithful performance shall be for a sum determined by the City Engineering Superintendent or City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

6. In the event the partitioner shall fail to carry out all provisions of the agreement, the City shall:

   a. Call on the surety company for full and faithful performance; or

   b. Use the deposit or letter of credit to complete the work.

7. If the amount of the bond, deposit or letter of credit exceeds the cost of completing the work, the City shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the partitioner shall be liable for the difference and upon demand, pay such liability to the City.

M. Approval of City Surveyor - Upon receipt of the final plat, the Community Development Director/Planner shall transmit the final plat and other related supplementary data to the City Surveyor who shall review the final plat and information to determine that there has been full compliance with all applicable Statutes and provisions and that the plat is technically correct and within the allowable limits of error according to Statutes. The City Engineering Superintendent may, if he determines it is necessary to his review, make field checks to verify that the plat is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the map by affixing his signature.

N. Approval of the Community Development Director/Planner - Upon submission of the final plat and supplementary information to the Community Development Department/Planning Division, the Community Development Director/Planner determines that the final map is in conformance with the approved tentative plan and the requirements of this Code, he shall refer the map to the appropriate review authority for signature.

O. Filing of Final Plat - After obtaining all required approvals and signatures, the partitioner shall file the map with the County Assessors Office and an exact copy with the County Surveyor, if applicable. Approval of the final map shall be null and void if the map and required tracing is not filed within thirty (30) days after the date of the review authority's required approving signature, or of the approving body of an appeal action.

P. Limitation - No request for a similar partition shall be considered by the review authority within a one (1) year period immediately following a denial of the partitioning of the same property.

SECTION 4.2.004 - SUBMITTAL REQUIREMENTS

The following standards shall apply for the submission of major and minor partition preliminary plats, final plats, and supplementary materials.

A. Preliminary Plat and Supplementary Materials

1. Preparation and Submission - The partitioner shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary materials as may be required, to indicate the objectives of the development. Twenty (20) copies of the Minor and Major Partition preliminary plat and one (1) tracing suitable for making copies shall be submitted to the Community Development Department/Planning Division.

2. Information Required - The following information shall be shown on the preliminary plat:

   a. The preliminary plat shall be drawn with an engineer's scale that will be commensurate with its purpose, but no more than one inch equals one hundred feet (1" = 100'), and shall show the partition number assigned by the City Community Development Department/Planning Division (obtained prior to submittal), north point and date of map preparation;

   b. All proposed lot lines and dimensions thereof, in addition to the external boundaries of the property being partitioned, the location of all permanent reference monuments, either found or set.

   c. Outline and location of existing buildings to remain on the property and address, if available.

   d. The location, width and names of all streets, both existing and proposed; the location, width and purpose of all existing and proposed easements; all existing and proposed utilities; and the method of serving each parcel, including the source of domestic water supply and the method of sewage disposal.

   e. Approximate square feet of each parcel.

   f. The existing and proposed use of the land.

   g. Jurisdictional or political boundaries.

   h. Any elevation datum used.

   i. Proposed means of vehicular access to individual parcels.

   j. Locations of any existing water wells, approximate location of any septic tanks and leach field on each parcel.

   k. All bodies of water such as rivers, streams, lakes, irrigation facilities.

   l. Natural physical features such as canyons, bluffs, rock outcroppings, steep slopes, etc.

   m. Approximate street grades and direction of surface water drainage flow on existing or proposed streets.

   n. The names, addresses and phone numbers of the owners, contract purchasers, partitioners of the subject property and the person preparing the preliminary plat.

o. A vicinity map shall be required.

p. Comprehensive Plan designation(s) and land use zones applicable to the subject property.

q. Description of and location of all proposed improvements.

r. Boundary lines of adjacent properties and the names of owners of record.

s. The property location (subdivision, section, township and range).

t. The surveyor's name, address, phone number and registration number.

3. The preliminary plat must indicate:

a. Legal access to pre-platted lots.

b. Easements for vehicular and utility access if determined necessary by the Community Development Director/Planner after consultation with appropriate agencies and utilities.

4. Pre-plat map must be:

a. Eighteen inches by twenty-four inches (18" x 24") (This may be enlarged if determined necessary by the Community Development Director/Planner or his designee).

b. Drawn on good quality tracing medium.

c. It is encouraged that this step be worked out with the Community Development Director/Planner prior to submitting, for ease of application.

5. The provisions of Section 4.3.003(M) shall also be considered for major partitions.

B. Final Plat

1. Partitions shall be drawn in black India ink on three to five (3 - 5) mil mylar, or photographically reproduced on good quality tracing medium, eighteen inches by twenty-four inches (18" x 24") and no part of the drawing shall be nearer to the edge of the sheet than one inch (1"). One (1) reproducible copy of the map shall also be submitted. A current preliminary title report or subdivision guarantee issued within the past thirty (30) days in the name of the owners shall be submitted with the final map to the Community Development Director/Planner. The final plat shall include spaces for dates and signatures of the appropriate approving body, and the City Surveyor. If the decision on a partition has been referred or appealed from the reviewing authority, the final plat shall then have signature spaces for the approving body in lieu of the reviewing authority and a signature space for the City Surveyor and County Clerk for filing purposes.

The following information shall be clearly and legibly shown on the approved plat:

a. The date of survey.

b. Scale of drawing and North point.

c. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner in Township and Range, or to a lot corner of a platted subdivision.

d. All bearings or measured angles and distances separately indicated from those of record.

e. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

f. The name or person for whom the survey was made.

g. Discrepancies between survey and older surveys and evidence of existing lines of occupancy.

h. The number of the partition assigned by the County.

i. Street names adjacent to the partition.

j. Signed land surveyor's stamp.

k. Statement of appurtenant water right.

ARTICLE 4.3 - SUBDIVISIONS

SECTION 4.3.001 - REVIEW PROCEDURE

Application for the review of a preliminary plat of a subdivision shall be subject to the Planning Commission Review Procedure.

SECTION 4.3.002 - REVIEW CRITERIA

The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

A. The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this Code, other Ordinances and State Law.

B. The circulation plan, which includes street, bicycle and pedestrian facilities for the proposed subdivision will permit its development in accordance with this Code and the La Grande/Island City Transportation System Plan.

C. The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this Code.

D. The site of the proposed subdivision is physically suitable for the type and density of the proposed development.

E. The existing sewer and water facilities are adequate to serve the proposed development.

F. Development of the site is consistent with the need to minimize flood and landslide damage.

G. For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

   The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk. [Ord. 3047, July 12, 2006]

H. Any other criteria as may be pertinent.

SECTION 4.3.003 - PROCESSING

In the processing of a subdivision, the following procedures shall be followed:

A. Initiation - An application for a subdivision shall be initiated by the owner of the property for which the subdivision is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

B. Filing - An application for a subdivision shall be filed on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, and shall set forth in detail all the information requested. The application shall be accompanied by any such information as listed on the application submittal checklist.

C. Filing Fee - Application for a subdivision with the requested information attached shall be accompanied by a filing fee set by Resolution of the City Council, to defray the costs incidental to the proceedings.

D. Improper Application - No hearing shall be scheduled for a subdivision if it is determined by the Community Development Director/Planner that the application does not provide the required information, unless it is unavailable.

E. Review by the Community Development Department/Planning Division - Prior to a preliminary plat application being scheduled on any agenda, the Community Development Director/Planner shall have ten (10) working days in order to determine if the applicant needs to make any additional applications with the preliminary plat, such as Variances for block length or lot depth to width ratio.

F. Review of the Preliminary Plat by Other Departments - No later than fifteen (15) days prior to the hearing date, the Community Development Department/Planning Division shall furnish one (1) copy of the preliminary plat and supplemental material to the agencies or offices contained on the Hearings Notification Checklist maintained by the Community Development Department/Planning Division. These agencies may review the plat and return their recommendations in writing to the Community Development Director/Planner prior to the hearing.

G. Property Inspection - All proposed subdivisions may be inspected by City staff prior to consideration by the Planning Commission. If any unusual conditions such as improper site distance, excessive grades, improper drainage facilities, or any other conditions that may have an adverse affect upon the surrounding property are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the Planning Commission.

H. Review by Appropriate Authority - The application for a subdivision shall be reviewed by the appropriate review authority as provided in Chapter 9.

I. Conditions - The preliminary plat for a subdivision may be approved subject to conditions as judged necessary by the Planning Commission.

J. Survey of Lots - Following the approval of a preliminary plat for a subdivision, the subdivider shall cause the lots thus created to be accurately surveyed and monumented in accordance with standards established in ORS 92.050 et seq, as revised.

K. Submission of Final Plat - Within one (1) year of the date of approval of a preliminary plat, the subdivider shall prepare and submit a final plat which conforms to the approved preliminary plat and the survey. In the event of appeal of decision, the one (1) year time limit shall be from the

date when all appeals are concluded. When a Conditional Use Permit or Variance is a condition of approval, the one (1) year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance. The final plat shall be prepared in accordance with the State Law and the provisions of this Code. Any major revisions from the approved or conditionally approved preliminary plat, determined at the time that detailed surveying work is accomplished, shall be reviewed by the Community Development Department/Planning Division. If determined necessary, the plat shall be referred back to the Planning Commission for approval of the modified plat. The Community Development Director/Planner will allow density changes of up to a ten percent (10%) increase or twenty percent (20%) decrease in overall density so long as any increase of density is within the allowable limits of the applicable zone designation.

L. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final plat, a subdivider may apply for a time extension on forms provided by the Community Development Department/Planning Division accompanied by the fee established by Resolution of the City Council. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) of such extensions may be granted by the Community Development Director/Planner following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative plat was based have not changed to an extent sufficient to warrant re-filing of the preliminary plat, and after a finding that no other development approvals would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the subdivider shall file a new application for review of the preliminary plat.

M. Approval of City Engineer or Engineering Superintendent - Upon its receipt the Community Development Department/Planning Division shall transmit the final plat and other related supplementary data to the City Engineer or Engineering Superintendent who shall ensure that the subdivider has complied with the following requirements:

1. Before approval is certified on the final plat, the subdivider shall:

   a. Install all required improvements and repair existing street, bicycle and pedestrian facilities and other public facilities damaged in the development of the subdivision; or

   b. Execute and file with the City an agreement specifying that within two (2) years all required improvements and repairs shall be completed, and providing if such work is not completed, within two (2) years, the City may complete the same and recover the full cost and expense from the subdivider. Any fire access or fire flow requirements must be in place prior to construction of any structure.

2. The required street improvements and repair of existing streets, bicycle or pedestrian facilities shall be done in accordance with the requirements of the City Engineer or Engineering Superintendent and the provisions of this Code.

3. An improvement inspection fee shall accompany the submission of the final plat when required.

4. When improvements are to be installed by the subdivider under terms of an agreement;

a. A subdivision bond or other security acceptable to the City shall be required;

b. Construction of the roads may be permitted in phases under conditions specified; and,

c. Extension of the time limit may be granted under conditions specified.

5. The subdivider shall file with the agreement, to assure his full and faithful performance, one of the following subject to City approval:

   a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;

   b. Cash or certified check;

   c. Time deposit certificates payable to the City of La Grande;

   d. Savings account assignment to the City of La Grande; or

   e. An irrevocable letter of credit in favor of the City of La Grande from a financial institution authorized to do business in the State of Oregon in a form acceptable to the City.

6. Such assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

7. In the event the subdivider shall fail to carry out all provisions of the agreement, the City shall:

   a. Call on the surety company for full and faithful performance; or,

   b. Use the deposit or certified check to complete the work.

8. If the amount of the bond, deposit, or letter of credit exceeds the cost of completing the work, the City shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the subdivider shall be liable for the difference and upon demand, pay such liability to the City.

N. Approval of City Surveyor - Upon receipt of the final plat, the Community Development Department/Planning Division shall transmit the final plat and other related supplementary data to the City Surveyor who shall review the final plat and information to determine that there has been full compliance with all applicable Statutes and provisions and that the plat is technically correct and within the allowable limits of error according to statutes. The City Surveyor shall make field checks to verify that the plat is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the plat by affixing his signature.

O. Approval of Community Development Director/Planner - Upon submission of the final plat and supplementary information to the Community Development Department/Planning Division, the

Community Development Director/Planner shall thoroughly review the final plat. If the Community Development Director/Planner determines that the final plat is in conformance with the approved preliminary plat and planning requirements, he shall sign the final plat. If the final plat is not in conformance, it shall be referred to the Planning Commission at their next regular meeting for consideration, who shall then approve or disapprove the plat. An appeal from the actions of the Planning Commission may be filed with the City Council who shall make a final determination. Upon the plat being approved by the City Council or being made to conform to the original conditions of approval, the Community Development Director/Planner shall affix his signature to the plat.

P. Approval of the City Council - After review and approval of the final plat by the Community Development Director/Planner, the subdivider shall submit the same to the City Council for approval. If all requirements are met and all approvals obtained, the City Council shall accept the full plat for signature and recording.

Q. Filing of Final Plat - After obtaining all required approvals and signatures, the subdivider shall file the plat and exact copy with the County Clerk. Approval of the final plat shall be null and void if the plat and required tracing is not filed within thirty (30) days after the date of the City Council's required approving signature. Upon the filing of the plat, the subdivider shall furnish one (1) print of the final plat to each of the following: County Assessor, County Surveyor, City Surveyor, and the Community Development Director/Planner.

SECTION 4.3.004 - SUBMITTAL REQUIREMENTS

The following standards shall apply for the submission of preliminary and final subdivision plats, and supplementary materials.

A. Preliminary Plat and Supplemental Materials

1. Preparation and Submission - The subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as may be required, to indicate the general subdivision plan and objectives of the development. Twenty (20) copies of the preliminary plat shall be submitted to the Community Development Department/Planning Division.

2. Information Required - The following information shall be shown on the preliminary plat:

   a. The preliminary plat shall be drawn to a scale of not more than one inch equals one hundred feet (1" = 100');

   b. A tract number or numbers shall be obtained from the City Surveyor which number, if not used, within two (2) years from the date issued, shall become null and void. In addition to the number, a name may be used; however, such name shall not duplicate or resemble the name of any other subdivision in Union County. The City Surveyor shall maintain a permanent record of all tract numbers.

      When a number or numbers have been assigned by the surveyor for the subdivision of a particular parcel or contiguous parcels of land, the subdivider shall place same upon each preliminary plat of the subdivision and neither the number or numbers, nor the area of the parcel of land for which the number or numbers was issued shall thereafter be

changed or altered in any manner upon the preliminary plat of the subdivision unless and until a new number or numbers have been assigned by the City Surveyor.

c. Date, north point, scale of drawing and sufficient description (vicinity map) to define the location and boundaries of the proposed tract;

d. Location of the subdivision by section, township and range;

e. Names, addresses and phone numbers of all owners within the subdivision, the subdivider, if other than the owner and the registered surveyor; and

f. Appropriate identification clearly stating the map is a preliminary plat.

3. Existing Conditions - The following existing conditions shall be shown on the preliminary plat:

a. The location, width, and names of all existing or platted streets, ways or other public ways within or adjacent to the proposed subdivision, easements, railroad rights-of-way, and other important features, such as section lines and corner and city boundary lines;

b. Contour lines shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the City Engineer:

i. Two foot (2') contour intervals for ground slopes between five percent (5%) and ten percent (10%); and,

ii. Five foot (5') contour intervals for ground slopes exceeding ten percent (10%).

c. The location and direction of all water courses including a delineation of the high water mark;

d. Natural features, such as rock outcroppings, marsh lands, wooded areas, preservable trees; and,

e. Existing uses of the property, including the location of all existing structures to remain on the property after platting.

f. Any utilities within the surrounding area, i.e., water, storm and sanitary sewer, electricity, natural gas, television, and telephone lines.

4. Proposed Plan of Development - The following information shall be included on the preliminary plat:

a. All streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projected streets.

b. The location and width of all existing and proposed easements, including the purpose of such easement;

c. Lot layout showing approximate dimensions, minimum lot size, and proposed lot and block numbers; and

d. All land proposed to be reserved by the subdivider for public purposes, showing the location, size, and proposed uses.

5. Accompanying Statement - A statement containing the following information shall accompany the preliminary plat and if the information cannot be shown practically on the preliminary plat, it shall be submitted in a separate statement with the preliminary plat:

a. Proposed uses of the property and present zoning, if applicable.

b. Proposed and/or existing deed restrictions, if any:

c. Statement of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use;

d. Statement of what provisions are proposed for water supply, sewage disposal and drainage;

6. Drainage Plan - A drainage plan, prepared in accordance with Article 6.5, shall accompany all preliminary plats.

7. Street Trees - All developers of proposed subdivisions of land shall be required to prepare a street tree planting plan prior to submission of the Final Plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan and in accordance with Article 5.6.

B. Final Plat and Supplementary Materials

1. Drafting the Plat - The final plat shall be drawn in black India ink on good quality, three to five (3 - 5) mil mylar drawing film eighteen inches by twenty-four inches (18" x 24") in size. No part of the drawing shall be nearer to the edge of the sheet than one inch (1"). An exact duplicate of the final plat, either drawn in black India ink or photographically reproduced on good quality tracing medium, suitable for making prints as defined in ORS, shall be filed in the office of the County Surveyor after all approvals have been obtained.

2. Final Plat Requirements - The final plat shall include the following information:

a. The number, and if applicable, the name of the subdivision, date, scale, north point, legend and controlling topography such as creeks, highways, and railroads;

b. Written legal description of the plat boundaries;

c. Names of all owners within the subdivision and the registered land surveyor that prepared the plat;

d. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

i. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.

ii. Adjoining corners of all adjoining subdivisions;

iii. Township, Range, Section and donation land claim lines within, or adjacent to the plat;

iv. Whenever the City has established the center line of a street adjacent to or within the proposed subdivision, the location of this line shall be shown and monuments found or reset; and

v. All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of these regulations.

e. The length of all arcs and radii or curves, points of curvature, lengths and bearings of tangents and/or chords. All adjusted distances shall be shown to the nearest one-hundredth of a foot. All adjusted bearings and angles shall be shown to the nearest one (1) second and the basis of the bearing shown. Error of closure of the field work shall be within the limit of one (1) foot in ten thousand (10,000). Field survey shall be adjusted out of recorded plat distances and bearings so dimensions show on lot, block and tract boundary will produce as near perfect mathematical closure as practical.

f. The location, names and widths of all streets, existing or being created. For streets on a curvature, curve data shall be based on the center line and shall indicate thereon the radius, the central angle, and the arc length which data may be shown in table form;

g. The width and length of all easements existing or being created. For existing easements not definitely located of record, a statement of the easement must be included. New easements being dedicated by the plat shall be properly referenced in the Owner's Certificate of Dedication;

h. Each lot or parcel shall be numbered consecutively throughout the plat;

i. Land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case to be distinguished from lands intended for sale;

j. The following certificates, which may be combined where applicable, exact as to form and content to those presented in the City of La Grande Standards, Specifications and Guidelines Manual of these standards:

i. A certificate signed and properly acknowledged by all parties having any record title interest in the land to be subdivided, consenting to the preparation and recording of land shown on the final map;

ii. A certificate signed and properly acknowledged by the Registered Land Surveyor responsible for the survey and preparation of the final plat. The signature of such registered surveyor shall be accompanied by his seal;

iii. A certificate signed by the City Engineer certifying that the subdivider has complied with one of the following alternatives:

(1) All improvements have been installed in accordance with the requirements of this Ordinance and with the action of the Planning Commission giving conditional approval of the preliminary plat; or

(2) An agreement has been executed as provided in Section 4.3.003(M)(1)(b), of the Land Development Code.

iv. A certificate signed by the County Assessor certifying that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the tax roll which became a lien during this calendar year have been paid; and

v. A certificate, on the required tracing of the final plat, signed by the County Clerk and the Registered Surveyor certifying that the tracing is a true and exact copy of the final plat; and

vi. Statement of appurtenant water rights.

3. Space for signatures of the following: City Surveyor, County Treasurer, Community Development Director/Planner, Mayor and City Council.

4. Supplemental Information with Final Plat - The following data shall accompany the final plat:

a. A preliminary title report or subdivision guarantee issued by a title company in the name of the owner of the land, showing all parties having any title interest in the premises and what interest they have;

b. If applicable, a good and sufficient bargain and sale deed, executed to City of La Grande, free from all restrictions, outstanding liens and encumbrances, conveying property other that streets, alleys or walkways for public use;

c. A copy of any deed restrictions applicable to the subdivision;

d. Plans, profiles and specifications, prepared by the engineer showing proposed construction design and standards for all improvements.

e. All such design work shall be submitted to and approved by the City Engineer before construction begins, changes in plans must be reviewed with the design engineer and approved by the City Engineer, and final inspection and approval of the completed improvements shall be made by the City Engineer or his authorized representative before the improvements are accepted and performance assurance released.

ARTICLE 4.4 - DUPLEX DIVISIONS

SECTION 4.4.001 - REVIEW PROCEDURE

Application for review of duplex divisions shall be subject to Community Development Department/Planning Division Review Procedures.

SECTION 4.4.002 - REVIEW CRITERIA

The application for a duplex division may be approved only if the reviewing authority shall find that it satisfies the following criteria:

A. It is consistent with the purpose and intent of the Land Development Code Ordinance.

B. The existing lot is occupied by a duplex that conforms to all applicable regulations.

C. A single family structure will not replace or be added to the lot.

D. The lot to be divided contains at least six thousand (6,000) square feet.

E. The resulting lots will be relatively equal in size with the maximum difference equal to ten percent (10%) or less of the total area of the original lot.

F. Average lot width is at least thirty feet (30').

G. Minimum lot area is at least three thousand feet (3,000') square feet.

H. The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities. [Ord. 3047, July 12, 2006]

I. Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a City Attorney approved easement recorded in the Union County Recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.

J. Prior to approval, the Community Development Director/Planner may require the applicant(s) to enter into a written, City Attorney approved common interest agreement suitable for recording in the Union County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas such as, but not limited to, walls, roofing, water pipes, and wiring.

   1. A common interest agreement shall not be required if the owner can demonstrate in writing to the Community Development Director/Planner that each unit will be assured separate and independent utility service as indicated by the required plans and that the units are or will be separated by two (2) one (1) hour fire walls with a common foundation under the walls approved by the City Building Official.

K. Two (2) off-street parking spaces exist or will be created for each resulting lot.

L. For residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk. [Ord. 3047, July 12, 2006]

SECTION 4.4.003 - PROCESSING

In the processing of a duplex division, the applicable procedures listed in Section 4.2.003 shall be followed. The application form, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, may be obtained from the Community Development Department/Planning Division.

SECTION 4.4.004 - SUBMITTAL REQUIREMENTS

A. The applicable standards listed in Section 4.2.004 shall apply for the submission of a duplex division lot. The application shall be accompanied by any such information as listed on the application submittal checklist.

B. In addition to the requirements of Section 4.2.004, the preliminary plat shall include the following with accurate dimensions:

1. The location of the duplex, accessory structures and off-street parking for each unit.

2. The minor partition application shall be accompanied by a floor plan drawn to scale and a common wall cross-section showing the type and location of all utility service lines to and within the building pertaining to sewers, water, electrical, telephone, television cable, and natural gas. Any desired changes shall be specified on these plans and noted on the minor partition final plat.

3. Easements shall be shown on the minor partition plat where it will be necessary to have the common use of facilities, such as sewer and water service lines.

C. Any shared use of utilities shall be covered by written approval from the serving utility company.

ARTICLE 4.5 - STREET DEDICATIONS

SECTION 4.5.001 - STREET DEDICATIONS

The City Council, upon recommendation by the Planning Commission shall approve the creation of a street to be established by deed or dedication if action is initiated by a property owner, the Planning Commission, or the City Council, and the street is declared essential for general traffic circulation and/or the resulting partition of land. [Ord. 3047, July 12, 2006]

When approval of a street is requested without full compliance with regulations applicable to subdivisions or major partitions, a copy of the proposed deed shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which consideration is desired. The deed and accompanying information shall be reviewed by the Planning Commission.[Ord. 3047, July 12, 2006]

SECTION 4.5.002 - PROCESSING

The application form, depicted in City of La Grande Standards, Specifications and Guidelines Manual, may be obtained from the Community Development Department/Planning Division.

ARTICLE 4.6 – LOT LINE ADJUSTMENT

SECTION 4.6.001 – REVIEW PROCEDURE

Application for review of Lot Line Adjustments shall be subject to the Community Development Department/Planning Division Review Procedure.

SECTION 4.6.002 – REVIEW CRITERIA

The Lot Line Adjustment may be approved only if the reviewing authority shall find that it satisfies the following criteria:

A. The proposed Lot Line Adjustment is in conformance with all applicable provisions of this Code, other City Codes and Ordinances, and Oregon Law.

B. The proposed Lot Line Adjustment will not conflict with legally established easements or access within or adjacent to the proposed Lot Line Adjustment.

C. The lot line will be laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.

D. The resulting lots will conform to the lot size and shape provisions of this Code, except as provided in Subsection H below. [Ord. 2989, Dec. 5, 2001]

E. The result of the proposed Lot Line Adjustment will not produce nonconforming structures or uses, except as provided in Subsection H below. [Ord. 2989, Dec. 5, 2001]

F. No new units of land will be created. Applicants are advised to contact the Union County Assessor's Office to determine the procedure to consolidate lands received after a Lot Line Adjustment with existing lands. If consolidation is not feasible, the City may accept a deed restriction prohibiting the sale of the adjusted lands separately from the original lands.

G. Lot Line Adjustments of a Nonconforming Lot of Record, as defined in Section 3.16.011 of this Code, may result in a parcel(s) remaining nonconforming provided that: [Ord. 2989, Dec. 5, 2001]

1. The intent of the Lot Line Adjustment is to resolve conflicts between the surveyed property line location and developed site improvements where a prescriptive right may exist; or

2. The result of the Lot Line Adjustment is to create parcels that are less nonconforming.

H For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void

only when a new Master Plan is approved by the City and filed with the County Clerk. [Ord. 3047, July 12, 2006]

SECTION 4.6.003 – PROCESSING

In processing of a Lot Line Adjustment the following procedures shall be followed:

A. Initiation - Application for Lot Line Adjustment approval shall be initiated by the owner and/or the owner's authorized representative as provided in Section 4.6.004(A), for which Lot Line Adjustment approval is sought.

B. Filing - Application for Lot Line Adjustment approval shall be filed on forms provided by the Community Development Director/Planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. Twenty (20) copies of the drawing shall be submitted to the Community Development Department/Planning Division along with the application and appropriate filing fee.

C. Filing Fee - There shall be a filing fee set by the City Council, by Resolution, to defray the costs incidental to the review process.

D. The Community Development Director/Planner shall have ten (10) working days in order to determine if an application is complete and notify the applicant.

E. Once the application is deemed complete; the Community Development Department/Planning Division has fifteen (15) days to complete the review procedure.

SECTION 4.6.004 – SUBMITTAL REQUIREMENTS

The following information shall be shown on the preliminary Lot Line Adjustment drawing:

A. When a survey map is not required by the Oregon Revised Statutes, a Lot Line Adjustment Application is not required to be submitted. However, a letter of approval is required to document that the proposed Lot Line Adjustment is in compliance with all applicable land use laws and regulations, as required by the Oregon Revised Statutes 93.040. The filing fee to be paid by the applicant for the City to prepare such a letter shall be in an amount of ten percent (10%) of the filing fee for a Lot Line Adjustment that requires a survey map.

B. The map shall be drawn with an engineer's scale that will be commensurate with its purpose, but no more than one inch equals one hundred feet (1" = 100'), and shall show the north arrow, date of map preparation and date of survey. [Ord. 3006, Feb. 5, 2003]

C. When a survey map is required by the Oregon Revised Statutes, the map shall be drawn on good quality tracing medium with a size of eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24"x 36").

D. When required by the Oregon Revised Statutes, a survey shall be performed identifying all existing and proposed locations of lot lines and dimensions thereof, in addition to the external boundaries of the properties being adjusted, and the location of all permanent reference monuments, either found or set.

E. Outline the location of existing buildings and fences to remain on the property and address, if available.

F. The location and names of all adjacent streets and the location of all existing and proposed easements; and all existing and proposed utilities.

G. Approximate square feet of each parcel.

H. Jurisdictional or political boundaries.

I. Locations of any existing water wells, approximate location of any septic tanks and leach field on each parcel.

J. All bodies of water such as rivers, streams, lakes, irrigation facilities.

K. The names, addresses and phone numbers of the owners of the subject properties and the person preparing the plat.

L. A vicinity map shall be required.

M. Boundary lines of adjacent properties and the names of owners of record.

N. The property location (subdivision, section, township and range).

O. If a surveyor is required due to ORS requirements, the surveyor's name, address, phone number, and registration number.

CHAPTER 5 - SPECIAL SITE STANDARDS

ARTICLE 5.1 - BASIC PROVISIONS

SECTION 5.1.001 - PURPOSE
The purpose of this Chapter is to establish standards for the design and development of sites in order to protect the public health, safety and welfare.

SECTION 5.1.002 - APPLICATION
The standards established in this Chapter shall apply to all development within La Grande's Urban Growth Boundary.

SECTION 5.1.003 - STANDARDS PROVIDED
This Chapter provides standards for the following:

Lot Size and Shape - Article 5.2

Building Setbacks and Yards - Article 5.3

Building Heights - Article 5.4

Fences, Hedges, and Walls - Article 5.5

Landscaping - Article 5.6

Parking and Loading - Article 5.7

Signs - Article 5.8

Accessory Buildings - Article 5.9

ARTICLE 5.2 - LOT SIZE AND SHAPE

SECTION 5.2.001 - LOT SIZE AND SHAPE

The lot size, shape and orientation within all subdivisions or partitions shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated.

A. Lot Width - Each lot shall have a minimum width of fifty feet (50'), unless otherwise required by this Code.

B. Lot Depth - Each lot shall have a minimum depth of eighty five feet (85').

C. Lot Area - Each lot shall have a minimum area as required by zone except where public utility facilities are to be placed, then no lot size is required.

D. Corner Lot - Corner lots shall have a minimum width of sixty feet (60') to permit appropriate building setbacks from and orientation to both streets.

E. Lot Depth to Width Ratio - No lot or parcel depth shall be more than two and one-half (2½) times the average width. This requirement may be waived by the reviewing authority.

F. Orientation of Side Property Line - As far as practical, the side property line of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property lines shall be radial to the curve.

G. Street Frontage - All lots shall have a minimum street frontage of twenty-five feet (25'), except for flag lots as provided in Section 5.2.002 and in cases where easement access is approved pursuant to Section 4.2.002(L) of this Code. [Ord. 3006, Feb. 5, 2003]

H. Minimum Standards - These minimum standards apply except where property is zoned or deeded for business or industrial use, other widths and area may be permitted. Depth and width of properties reserved or platted for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required for the type of use and development contemplated, as prescribed in Article 5.7, Section 5.7.002.

SECTION 5.2.002 - FLAG LOTS [Ord. 3006, Feb. 5, 2003]

A. The use of panhandle or flag lots as a means of access for a partition or subdivision shall be permitted only where:

1. The flagpole shall maintain a constant minimum width of twenty feet (20') for one (1) or two (2) residential units and twenty-five feet (25') in all other cases.

2. The natural grade of the flagpole shall not be so steep as to prevent the construction of a driveway with a grade not exceeding eighteen percent (18%).

3. The flagpole shall be adjacent to the closest existing lot line.

4. The flagpole strip shall be conveyed with the ownership of the rear lot or parcel and shall be considered a permanent part of that lot or parcel. No re-division or property line adjustment shall be allowed to alter the status of the flagpole strip unless other access, meeting all the requirements of this Code, is first provided.

5. Access to the rear lot or parcel shall be by way of the panhandle portion of that lot or parcel, as recorded.

6. The requirements of the Land Development Code relative to access and other requirements shall be observed.

7. Flag lots having frontage and abutting on an approved street are not required to meet lot frontage requirements if they were recorded in the County Clerk's office at the time of the passage of the 1979 Ordinance.

8. A maximum of four (4) residences may use a single flagpole for access through the use of access easements and maintenance agreements that are approved by the City Attorney and recorded with the County. Driveway standards are set forth in Section 5.7.005 of this Code.

9. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

10. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources. However, flag lots shall not constitute more than ten percent (10%) of the total number of lots in a subdivision.

11. The front wall of a dwelling unit constructed on a flag lot shall be oriented (to the street providing access) in the same manner as the front wall of a majority of the dwelling units on the same side of the street on lots within one hundred feet (100') of the flag lot. If the orientation of existing units is equally split, the property owner may choose the orientation of the new unit.

ARTICLE 5.3 - BUILDING SETBACKS AND YARDS

SECTION 5.3.001 - PURPOSE

The purpose of requiring yards is to provide for yard area around structures to ensure adequate privacy, desirable and safe visibility, and outlook from nearby roads and buildings; natural light, ventilation, and sunlight; access to and around buildings; buffering between uses; and space for landscaping, gardening, and recreation.

SECTION 5.3.002 – PROPERTY LINE LOCATION RESPONSIBILITIES AND EXEMPTION TO YARD STANDARDS

A. Property Line Location Responsibilities. It shall be the property owner's responsibility to establish and clearly mark all necessary property boundaries prior to obtaining a building permit as determined by the City. The established property lines shall be used as a reference to ensure that the development satisfies all applicable requirements of this Code. If property boundaries cannot be accurately established by the property owner, the City may require a certified survey. If a survey is required, proof of survey shall be provided to the Planning Division prior to issuing land use authorization for a building permit. [Ord. 3047, July 12, 2006]

B. The minimum yard requirement of this Code applies to all uses except the following:

1. Fences, hedges or walls six feet (6') or less in height above the finish grade of the site, when located in a required side or rear yard.

2. Fences, hedges or walls three feet six inches (3'6") or less in height, when located in a required front yard.

3. All common wall constructions.

4. Where lots comprising more than fifty percent (50%) of the block frontage are developed with front yards less than the depth required herein, the setback may be the average of such existing front yards but shall not be less than ten feet (10').

5. The following architectural features shall meet the setbacks shown:

   a. Cornices, eave overhangs, bay windows, chimneys, solar collectors, planting boxes, cantilevered decks and similar architectural features may extend into any required front or rear yards not exceeding five feet (5'), and into any required side yard not exceeding two feet (2').

   b. Unenclosed porches, landings, stairways, or fire escapes, not covered by a roof may extend into any required front or rear yard not exceeding five feet (5'), and into any required side yard to within three feet (3') of property line. Street corner side yard setbacks shall be the same as Subsection 1 above.

   c. Decks, patios, sidewalks, driveways, and similar architectural features less than fifteen inches (15") above grade shall not be regulated as to setbacks. [Ord. 3047, July 12, 2006]

SECTION 5.3.003 - FRONT YARDS

The front yard is measured at right angles from the nearest point on the front property line to the building line.

A. Residential Uses
   1. Residential uses in subdivisions recorded prior to this Code shall have a minimum front yard of twenty feet (20').

   2. Residential uses in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to this Code, shall have a minimum front yard of fifteen feet (15'), and twenty feet (20') for the garage, measured from the garage door along the center of the driveway to the street right-of-way.

B. Commercial and Industrial Zones
   1. Commercial and Industrial uses in Commercial or Industrial Zones shall not require a minimum front yard setback.

   2. Front yards in Commercial and Industrial Zones may be used for landscaping and parking, if a front yard is provided.

C. Double Frontage Lots
   1. Where double frontage yard locations are not specified by subdivision map requirements or other applicable regulations, the applicant may select the street for the front yard; unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation, all remaining lots are to orient their front yards the same as the majority.

D. Public Facilities Zone
   1. No front yard setback is required, unless the property abuts a Residential Zone, in which case a front yard setback shall be provided as required in said Residential Zone.

SECTION 5.3.004 - SIDE YARDS

The side yard is measured at right angles to the side property line to form a line parallel to the side property line, which extends between the front and rear yard areas. The minimum side yard is to be as follows:

A. Residential Side Yard Requirements

   1. These requirements apply to residential uses in residential zones, including the R-P Zone, within subdivisions recorded prior to this Code except where otherwise provided by this section.

      a. Five feet (5').

   2. These requirements apply to residential uses in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to this Code, except where otherwise provided by this section.

      a. Five feet (5').

b. Zero feet (0') for common wall residences.

c. Zero feet (0') for detached residences approved as part of a Planned Unit Development (Article 3.7) or Specific Plan areas (Article 3.17).

B. Corner Lots - The side yard on the street side of a newly platted corner lot is to be a minimum of fifteen feet (15'). This may be reduced to ten feet (10') for an existing platted lot at the time this Code is adopted. If a side yard abuts an alley, the minimum side yard width shall be ten feet (10') for a residential unit and five feet (5') for a detached accessory building.

C. Accessory Buildings - Accessory buildings as herein permitted, shall meet required side yard setbacks of the applicable zone.

D. Commercial and Industrial Zones - No side yard shall be required in the Commercial or Industrial zones except:

1. When the commercial or industrial site abuts a Residential Zone, the side yard abutting the Residential Zone is to be a minimum of twenty feet (20') and is to be increased one foot (1') for each two feet (2') of commercial or industrial building height above thirty-five feet (35').

2. Commercial uses in the R-P Zone shall have minimum side yard setbacks of five feet (5').

E. Public Facilities Zone – No side yard shall be required in the Public Facilities Zone, unless the property abuts a Residential Zone, in which case a side yard setback shall be provided as required in said Residential Zone.

SECTION 5.3.005 - REAR YARD

The rear yard is measured at right angles to the rear property to form a line parallel to the rear property line.

A. Residential Zones - There shall be a minimum rear yard of twenty feet (20') in all residential zones, except where otherwise provided within this Subsection.

1. This requirement applies to residential uses in residential zones, including the R-P Zone, within subdivisions recorded prior to this Code except where otherwise provided by this section.

a. Twenty feet (20').

2. These requirements apply to residential uses in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to this Code, except where otherwise provided by this section.

a. Twenty feet (20') in the HD, RR-1 and R-3 Residential Zones.

b. Fifteen feet (15') in the R-1, R-2 and R-P Residential Zones.

3. Detached Accessory Building - As herein permitted, accessory buildings may be located in a rear yard of a residential zone no closer than five feet (5') from the rear property line, except

for a through lot where they must be set back a minimum of twenty feet (20'). A rear yard on an alley may permit building to the property line or ten feet (10') from the center line of the alley if ownership is to center line of said alley, provided the eave does not overhang into the right-of-way in which case it must be set back the depth of the eave.

B. Commercial Zones - There shall be no minimum rear yard in commercial zones except as follows:

1. Where the rear property line abuts an alley, the rear yard is to be at least five feet (5').

2. Where the rear property line abuts a residential zone, the rear yard is to be a minimum of twenty feet (20'). The minimum rear yard is to be increased one foot (1') for each two feet (2') of commercial or industrial building height above thirty-five feet (35'). The required rear yard may be used for parking, storage, or landscaping.

C. Industrial Zones - There shall be no minimum rear yard requirements in industrial zones, except:

1. Where the rear property line abuts an alley right-of-way, in which case the rear yard is to be a minimum of five feet (5').

2. Where the rear property line abuts a residential zone, in which case the rear yard is to be as specified in Subsection B(2) of this Section.

D. Public Facilities Zone - No rear yard shall be required in the Public Facilities Zone, unless the property abuts a Residential Zone, in which case a rear yard setback shall be provided as required in said Residential Zone.

SECTION 5.3.006 - INTERIOR

Detached buildings located on the same site are to be separated as follows:

A. Accessory Buildings - An accessory building is to be located no closer than six feet (6') from any principal building, unless fire protection is provided per Oregon State Building Code. Any building located less than three feet (3') from the primary building shall be attached to the primary building.

B. Residential Buildings - A principal building (including a multi-family dwelling) is to be located no closer to another principal building than ten feet (10'). Common wall construction is exempt from this setback requirement.

C. Non-Residential Buildings - As provided by the Uniform Building Code as adopted and amended by the State of Oregon.

ARTICLE 5.4 - BUILDING HEIGHTS

SECTION 5.4.001 - PURPOSE

The purpose of the following sections is to limit the height of structures as needed to support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.

SECTION 5.4.002 - MEASUREMENT OF HEIGHT

The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the finish grade.

SECTION 5.4.003 - HEIGHTS

The maximum height for new structures is to be as follows:

Zone	Maximum Height (feet) Above Average Grade
Residential	35
Residential-Professional	35
Central Business	60
General Commercial	50
Interchange Commercial	50
Light Industrial	50
Heavy Industrial	60
Public Facilities	35 [plus one foot (1') per ten feet (10') of building setback from a Residential Zone boundary, to a maximum height of sixty feet (60')]
Business Park	60 [Ord. 3006, Feb. 5, 2003]

SECTION 5.4.004 - ACCESSORY BUILDING HEIGHT LIMITATIONS

See Section 5.9.001 of this Code.

SECTION 5.4.005 - EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations contained in the zoning regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

ARTICLE 5.5 - FENCES, HEDGES AND WALLS

SECTION 5.5.001 - PURPOSE

The purpose of establishing standards for fences, hedges, and walls are to protect certain uses from intrusion, to protect the public from uses which may be hazardous, and to increase compatibility between different land uses by visual screening.

SECTION 5.5.002 - REQUIRED AND PERMITTED FENCES, HEDGES AND WALLS

A. Visual Obstruction Prohibited - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic, and the provisions of Article 5.6 shall apply.

B. Front Yards of Residential Uses and All Uses in Residential Zones – Sight obscuring fences, hedges and walls not greater than three and one-half feet (3½') in height and non-sight obscuring fences up to four feet (4') in height, shall be permitted on or within front yards, provided they do not obscure vision as provided in Section 5.6.002. An exemption may be granted by the Community Development Director/Planner pursuant to Section 5.5.003 of this Code. [Ord. 2989, Dec. 5, 2001]

C. Side and Rear Yards of Residential Uses and All Uses in Residential Zones - Fences, hedges, and walls not greater than six feet (6') in height shall be permitted within all rear and side yards of interior and corner lots, except that they shall not be located closer than twenty feet (20') to the street property line of a reverse corner lot, unless it meets the provisions of Sections 5.3.004(B) and 5.5.002(B) above.

D. Front, Side and Rear Yards of Nonresidential Uses - In the case of nonresidential uses in nonresidential zones, fences, hedges and walls not to exceed six feet (6') in height may be located or maintained in any required yard, except where the requirements of the sight triangle apply. Additional fence, hedge or wall height may be required as set forth below. The side and rear yards of all non-residential uses shall be screened as follows:

1. When abutting a residential use, a solid wall or fencing not exceeding six feet (6') in height shall be located along side and rear yards of any non-residential use or land use zone. Additional height of up to ten feet (10'), or twelve feet (12') for outdoor storage areas, may be required by the review authority to address privacy, noise, screening, or other compatibility issues. Fences exceeding six feet (6') in height shall obtain a Building Permit and be permitted to a height no greater than twelve feet (12'). [Ord. 3047, July 12, 2006]

E. Swimming Pools - Yard areas containing private swimming pools shall be fenced to discourage unsupervised access and use by small children. Such fencing shall be a minimum of six feet (6') high and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four feet (4'). Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured.

F. Mechanical Equipment - When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

1. Roof-mounted equipment shall be screened by architectural features from the view of abutting streets.

2. Equipment at grade when located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, by a wall or fencing from the view of the street or surrounding properties.

G. Outdoor Storage - Outdoor storage in Commercial or Industrial Zones shall be screened on all sides by a wall or sight obscuring fencing to the height of the stored items, but in no event to exceed twelve feet (12').

H. Utility Substations - Utility substations not within an enclosed building or structure, in or abutting residential zones, shall be secured and screened.

I. Right-of-Way Encroachment – Fences may encroach on a public right-of-way only by agreement with the City in accordance with applicable City Ordinances.

SECTION 5.5.003 - HEIGHT EXEMPTIONS

A. Front Yard Fence and Wall Waivers. Waiver of the front yard fence height limits may be sought by letter to the Community Development Director/Planner by any person who proves that equal aesthetic qualities may be attained by other designs. The Community Development Director/Planner shall consider such requests on the basis of the Substitute Plan using the procedures in Article 9.2 of this Code. The Substitute Plan must:

1. Provide adequate vision clearance for automobiles, both those passing on the abutting streets and those leaving the development site;

2. Include landscaping of the area between the curb line and the fence line;

3. Not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

B. Backstops are exempt from the Building Permit requirement and twelve foot (12') height limitation.
[Ord. 3006, Feb. 5, 2003]

SECTION 5.5.004 - SCREENING MATERIAL

Where screening is required to be a wall or fence, the following materials may be substituted, except where screening is required adjacent to a residential use or zone.

A. Landscape Screen - Screening plant materials may be substituted for a wall or fence, unless a wall or fence is required by Article 5.6 or by the review authority.

B. Berms - A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of two to one (2:1), with side slopes designed and planted so as to prevent erosion, and with a rounded surface a minimum of two feet (2') in width at the highest point of the berm, extending the length of the berm. The berm is to be planted with shrubs or lawn.

ARTICLE 5.6 - LANDSCAPING

SECTION 5.6.001 - PURPOSE

The purposes of landscaping are to enhance the appearance of structures and properties, to provide visual privacy, to provide areas on sites which can absorb rainfall and reduce storm water runoff, and to improve the visual environment.

SECTION 5.6.002 - REQUIRED LANDSCAPING

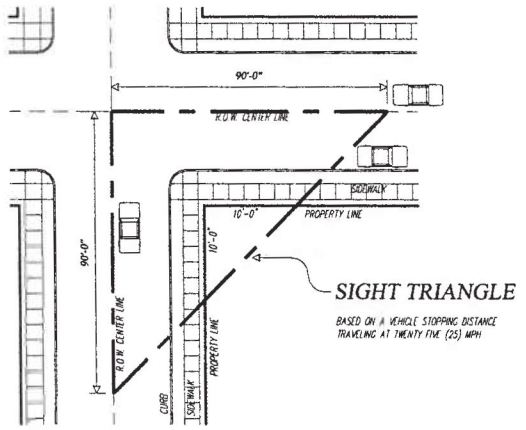
A. Landscaping shall be provided for sites where the following uses occur:

1. Industrial Uses.
2. Commercial Uses.
3. Manufactured Dwelling Parks.
4. Civic Uses.
5. Multi-Family Uses.
6. Planned Unit Developments.
7. No on-site landscaping is required for new development within the CB Central Business Zone, excluding parking lots. However, enhancements of the right-of-way will be required, where feasible, with improvements including street trees planted, to City Standards, along abutting sidewalks; pedestrian scale street lighting; benches and bike racks may be required as a condition of Site Plan approval.

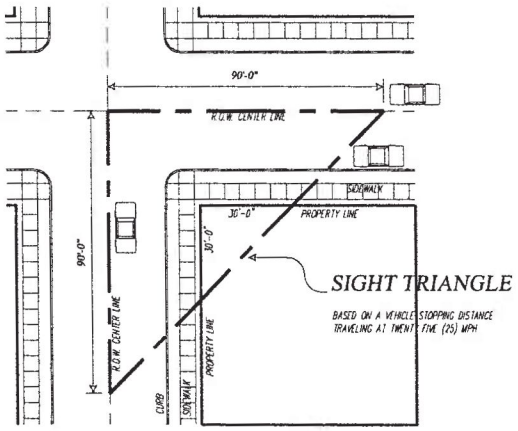
B. Landscaping shall not be located within public right-of-ways except in cases where there is a designated planting area in the right-of-way or when approval has been granted by the Public Works Director or designee, or other responsible agency (e.g. State Highway Department).

Clear Vision Area or "Sight Triangle". Within the area formed by drawing a line down the right-of-way center line, or street center line if the street is off-set, a distance of ninety feet (90') from the point at which the center lines intersect, and another line drawn across the corner lot to connect the ends of the first two lines, there shall be no structure, sight-obscuring fence, wall, hedge, or other plantings or any other obstruction to vision (other than a bare tree trunk or sapling, that will not obstruct sight triangle visibility over time; or a post or column not exceeding eighteen inches (18") in greatest cross-sectional dimension) between a height of two and one-half feet (2½) and a height of eight feet (8') above the established grade of either street or, if no grade has been officially established, above the average elevation of the existing surface of each street at the center line thereof. The sight triangle standards do not apply to structures, which meet the required setbacks described in Article 5.3, provided that the intersection is controlled with a four-way stop or traffic signal. Additionally, the property line measurements for a forty foot (40') wide right-of-way sight triangle shall be equal to a sixty foot (60') right-of-way sight triangle. The sight triangle length at the intersection of an alley or driveway and a public street shall be

ten feet (10') except in the Central Business Zone, where no sight triangle is required for alley intersections.



SIGHT TRIANGLE
80 FOOT R.O.W.



SIGHT TRIANGLE
40 & 60 FOOT R.O.W.

C. 5.5.004 - Screening Materials.

SECTION 5.6.003 - LANDSCAPING PLANS

A. PURPOSE - The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, landscaping plans provide an effective means for evaluating whether chosen plant materials will survive in the climate and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time; provide a reasonable efficiency of water use; and whether plantings will ensure safe pedestrian and auto traffic circulation.

B. WHERE REQUIRED - Landscaping plans are required to accompany all applications for Site Plan, Concept Plan, and Development Plan approval for the uses listed in Section 5.6.002.

C. LANDSCAPING PLAN REVIEW - Landscaping plans shall be processed and reviewed as specified in Article 8.2 - Site Plan Approval.

D. LANDSCAPING PLAN CONTENT - Landscaping plans are to be neatly and accurately drawn, at an appropriate scale which will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscaping plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans are to show:

1. Property and lot boundaries, and right-of-ways.

2. The location of all trees existing in or within fifty feet (50') of areas proposed for grading or other construction. Trees to be removed are to be identified. The method of protecting trees to be retained shall be indicated. [Ord. 2989, Dec. 5, 2001]

3. Any shrubs or plants identified as endangered or to otherwise be protected, including the method of protection. [Ord. 2989, Dec. 5, 2001]

4. Structures and impervious surfaces.

5. Plant material and locations whether existing or to be planted. A schedule listing the common and botanical names of plants will be required. Substitution of plants with similar form and function will be allowed as approved by the Community Development Director/Planner.

6. Details and location of proposed fencing, entries, parking and circulation provisions, trash collection areas, and free-standing signs.

7. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.

8. Location of outdoor light fixtures. [Ord. 2989, Dec. 5, 2001]

9. Irrigation system.

SECTION 5.6.004 - STANDARDS FOR LANDSCAPING MATERIALS

Where landscaping is required by Section 5.6.002, the materials used are subject to the following provisions:

A. Allowable Materials - Landscaping shall include some combination of the following materials, where appropriate, to achieve the intended or required purpose of the landscaping (e.g. screening, etc.): Trees, shrubs, ground cover, vines, flowers or lawns. Landscaping may also include art work, walls, structural features and fences. Trees adapted to the site will be incorporated into the landscape when there is adequate space. Trees shall be a minimum of fifteen (15) gallons and/or one and one quarter inch (1¼") caliper. Landscaping areas shall include live plant coverage, at occupancy, equal to or greater than fifty percent (50%) of each landscape area. [Ord. 3047, July 12, 2006]

B. Excluded Materials - Landscaping proposed to satisfy the requirements of this Code shall not include:

1. Plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of existing public or private under- or above-ground electrical lines, cables, or conduits, pipes or other utilities; or public or private sidewalks, curbs, gutters or paved parking and turn-around areas, drainage improvements, or adjacent structures, foundations, or landscape materials.

2. Trees within designated planting areas located in public right-of-ways shall conform to the City Street Tree Planting Guide which is an attachment hereto, and shown in the City of La Grande Standards, Specifications and Guidelines Manual.

SECTION 5.6.005 - PLANTING AND MAINTENANCE

A. Developed Site Area - For purposes of this Section, "Developed Site Area" shall be defined as the square footage of the area indicated on the plot plan. At a minimum, the area indicated on the plot plan shall include the area required for parking, ingress and egress, setback areas, and other areas which may be required as a condition of site plan approval, which are part of the ownership.

Landscaping proposed to satisfy the minimum area percentage standards listed in this Section shall not include landscaping required as a screen or buffer pursuant to Section 5.5.004, or as a condition of land use approval.

B. Minimum Area Requirement - New Construction

Landscaping shall be provided as follows:

1. Industrial Use Types - Five percent (5%) of the developed site area.

2. Commercial Use Types - Ten percent (10%) of the developed site area.

3. Civic Use Types - Ten percent (10%) of the developed site area.

4. Residential, Manufactured Dwelling Parks, and Multi-Family Use Types - Twenty percent (20%) of the developed site area.

5. Planned Unit Development - The review procedure and development standards for landscaping shall be as specified in the approval of the Planned Unit Development Plan and in no instance shall be less than that required for equivalent use types listed in this Section.

C. Minimum Area Requirements - Additions

1. Additions to use types defined in Chapter 2 representing greater than fifty percent (50%) of the primary structure shall provide landscaping as follows:

   a. Industrial Use Types - Five percent (5%) of the addition's total square footage.

   b. Commercial Use Types - Ten percent (10%) of the addition's total square footage.

   c. Civic Use Types, Manufactured Dwelling Parks, Residential Use Types - Ten percent (10%) of the addition's total square footage.

   d. Planned Unit Development - Landscaping shall be provided as required for equivalent use types listed in this Section.

D. Installation

1. Required landscaping shall be installed prior to occupancy. Extensions of time may be granted by the Community Development Department/Planning Division if good faith efforts are being made to complete the required work.

E. Maintenance
   1. All required planting shall be maintained by the owner in good condition, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to those which died.

F. Perimeter Landscaping
   1. For industrial, commercial and civic use types, an average six foot (6') wide landscaped area must be located along building perimeters, which are viewable by the general public from parking lots or the public right-of-way. Loading areas, bicycle parking areas, and pedestrian entries or exits are excluded from this requirement. At a minimum, this landscaping must function to meet the purposes of landscaping described in Section 5.6.001. [Ord. 2989, Dec. 5, 2001]

G. Parking Lot Landscaping
   1. Parking lot landscaping shall be provided as set forth in Section 5.7.006(F) of this Code.

H. Irrigation
   1. An automated irrigation system shall be installed, unless an alternative irrigation plan is approved by the City. [Ord. 3047, July 12, 2006]

ARTICLE 5.7 - PARKING AND LOADING

SECTION 5.7.001 - OFF-STREET PARKING SPACES AND LOADING FACILITIES

No parking or loading area, or vehicle parking or bicycle parking spaces provided for the purpose of complying with the provisions of this Code shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this Code, unless equivalent facilities are provided elsewhere in conformity with the provisions of this Article or unless the Planning Commission and City Council determine the intent is to reduce reliance on the automobile and increase the viability of other alternative modes of transportation, such as walking and bicycling.

A. Eligibility of Street Parking Spaces – Vehicle and bicycle parking spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.

B. Computation Rule for More than One Use in a Structure - In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street vehicle and bicycle parking shall be the sum of the requirements for the several uses computed separately.

C. Shared Parking Facilities - Required vehicle and bicycle parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

D. Computation Rule for Fractions - If after calculating the number of required off-street vehicle and bicycle parking spaces, a quotient is obtained containing a fraction of one-half (½) or more; an additional space shall be required; if such fraction is less than one-half (½) it may be disregarded.

E. Computation Rule Based on Number of Employees - When the vehicle and bicycle parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaged in the specified activity on the lot during the largest shift of the peak season.

F. Computation Rule Based on Number of Seats - When the vehicle and bicycle parking requirement is based on the number of seats, each eighteen inches (18") of benches, and twenty-four inches (24") of booths, pews or similar facilities shall be counted as one (1) seat.

G. Computation Rule Based on Number of Students - When the vehicle and bicycle parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.

H. Nonspecified Number of Parking Spaces - When a required number of parking spaces is not specified for a particular use or facility, the Community Development Department/Planning Division shall prescribe a number of vehicle and bicycle parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount of frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as

affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the Appeal Procedures as defined in Article 9.7.

I. Computation Rule Based on Net Floor Area - A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, equipment areas, storage areas, conference rooms, break rooms and other portions of the development that do not generate parking demand shall be allowed as determined by the Community Development Director/Planner. [Ord. 2989, Dec. 5, 2001]

SECTION 5.7.002 - REQUIRED OFF-STREET PARKING AND LOADING SPACES

Off-street vehicle parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this Code. Whenever any structure is enlarged or expanded or the use is changed, off-street parking and loading shall be provided for the expansion, enlargement, or change of use prior to occupancy in accordance with the requirements of this Chapter. Required parking and loading spaces shall be improved and made available for use before the final inspection under the Building Permit is made by the Building Official, or before a change of use and resulting occupancy are commenced. In the event the improvements are not completed within one (1) year's time from the date of Building Permit issuance, the Site Plan bond shall be forfeited and the improvements thenceforth constructed under the direction of the City.

Standards for number of required vehicle parking spaces are presented in the Table of Off-Street Parking Requirements located at the end of this Article. Properties located within the "Exempt Off-Street Parking Area," as depicted on the map included in this Code, are not required to provide off-street parking.

SECTION 5.7.003 - PARKING FACILITIES FOR THE PHYSICALLY DISABLED

Public accommodations or facilities, including but not limited to: auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers, and office buildings, shall provide no less than one (1) parking space for the physically disabled for each twenty-five (25) spaces in parking lots, or in accordance with the State of Oregon Structural Specialty Code and American Disabilities Act.

SECTION 5.7.004 - REQUIRED LOADING FACILITIES

At the time a use is erected or enlarged, or an existing building use changed, off-street loading areas may be required. The following provisions shall apply to all loading facilities:

A. Merchandise - Any use receiving a majority of its goods by truck shall provide an off-street loading/unloading area which will not impede traffic flow or parking availability. This standard shall not apply to lands located within the Exempt Off Street Parking Area.

B. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet each, where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.

C. The minimum area required for loading spaces shall not be less than five hundred (500) square feet each, where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.

D. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each, where the gross floor area of all buildings on a lot or parcel of land exceeds fifty thousand (50,000) square feet.

E. The minimum required loading area shall not be less than ten feet (10') in width and twenty-five feet (25') in length and shall have an unobstructed height of not less than fourteen feet (14').

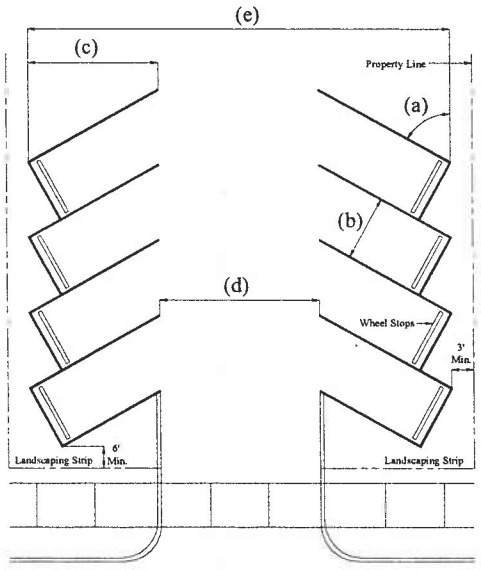
F. The required loading area shall be easily accessible from a street, highway or area.

G. Passengers - A lane or driveway must be provided out of the flow of traffic for loading and unloading passengers to any site designed to accommodate more than one hundred (100) people at one (1) time.

SECTION 5.7.005 - PARKING DESIGN STANDARDS

A. Aisle Dimensions

1. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.



Street Right-of-Way

Angle (a)	Space Width (b)	Space to Curb (c)	Aisle[1] (d)	Tier Width[2] (e)
0° - 45°	9'-0" 10'-0"	19'-0" 20'-0"	16'-0" 14'-0"	54'-0" 54'-0"
46° - 60°	9'-0" 10'-0"	20-0" 20'-8"	18'-0" 16'-0"	58'-0" 57'-4"
61° - 90°	9'-0" 10'-0"	18'-0" 18'-0"	24'-0" 22'-0"	60'-0" 58'-0"

1. Aisle widths for forty-five degree (45°) and sixty degree (60°) spaces are one-way only.

2. Tier means two (2) rows of parking spaces plus an aisle. Tier width may not add to aisle width plus two (2) times the space to curb distance in the chart above, because additional tier width may be required for safety precautions.

3. Space dimensions for parallel parking are to be nine feet (9') by twenty-two feet (22'). Aisle dimensions for parallel parking are to be twelve feet (12') for two-way aisles.

4. Space to Curb dimensions may be reduced by four feet (4') for parking spaces signed as "Compact Car Only." A maximum of thirty percent (30%) of the required off-street parking spaces may be designated for compact cars only.

B. Driveway Standards

1. Driveways serving residential uses shall have a minimum improved surface width of not less than ten feet (10') when serving one (1) dwelling unit; twenty feet (20') of paved surface width when serving two (2) or more dwelling units. Driveway widths within the public right-of-way are regulated by La Grande Ordinance Number 2979, Series 2001. [Ord. 3006, Feb. 5, 2003]

2. Driveways serving other than residential uses shall have a minimum width of ten feet (10') to accommodate one-way traffic, and a minimum width of twenty feet (20') to accommodate two-way traffic. Driveway widths within the public right-of-way are regulated by La Grande Ordinance Number 2979, Series 2001. [Ord. 3006, Feb. 5, 2003]

3. Vehicle parking areas for four (4) or more vehicles are to be designed to prevent cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots are to be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.

4. Access driveways to parking areas containing four (4) or more spaces are to be located and designed as follows:

   a. Parking area entrance and exit driveways are to be located a minimum of fifty feet (50') from the nearest street intersection, as measured from the center line of the driveway to the nearest travel lane of the intersecting street.

   b. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street. The center line of driveways on the same property is to be separated by a minimum of thirty feet (30').

5. Driveways serving more than one (1) occupied structure shall have a paved surface capable of supporting fire apparatus. A turn-around area, approved by the Fire Chief, shall also be provided. The vertical clearance of such driveways shall be maintained at a minimum of thirteen feet six inches (13' 6").

6. Driveways serving more than one (1) occupied structure may be no more than three hundred feet (300') in length.

7. Driveways serving more than one (1) occupied structure shall be subject to a maintenance agreement approved by the City and recorded in the Union County Deed Records if more than one ownership is involved.

8. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the City. A fire access road shall extend to within one hundred and fifty feet (150') of all portions of the exterior walls of the

first story of the building as measured by an approved route around the exterior of the building. [Ord. 3047, July 12, 2006]

a. The unobstructed width shall be at least twenty feet (20').

b. The unobstructed vertical clearance shall be at least thirteen feet, six inches (13'6").

c. The driveway surface shall provide for all-weather driving capability and shall support the imposed loads of fire apparatus. [Ord. 3047, July 12, 2006]

d. Bridges, culverts and/or elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. [Ord. 3047, July 12, 2006]

e. If the driveway is a dead end, longer than one hundred and fifty feet (150') in length, a turn-around shall be provided in accordance with Appendix D, Section 103.4 of the State of Oregon Fire Code. [Ord. 3047, July 12, 2006]

f. Address numbers (minimum size – four inch [4"] numbers) shall be posted at or near the driveway entrance so they are readily visible from the street in either direction.

g. The grade of any portion of such driveway shall not exceed ten percent (10%). The Fire Chief may allow a grade up to fifteen percent (15%) after consideration of on-site fire protection systems as specified in Appendix D, Section 103.2 of the State of Oregon Fire Code. [Ord. 2989, Dec. 5, 2001; Ord. 3047, July 12, 2006]

C. Vehicle Parking Area Location

The location of off-street parking and loading facilities shall be in accordance with the following provisions:

1. Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garages or carports is permitted.

2. Required parking facilities for uses other than residential shall be located as follows:

a. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; except that for industrial uses, required parking shall not be located in a required front or side yard abutting a public street, unless the structure is provided with adequate setbacks and landscaping. See Section 5.3.003(B)(2).

b. On a lot or parcel of land held under the same or joint ownership, provided such parking or loading facilities are located adjoining the use or uses served.

c. On a lot or parcel of land within five hundred feet (500') of the use or uses served.

d. Required loading facilities shall be located on the same lot or parcel of land as the uses served.

e. Binding agreements between land uses for mutual use of parking facilities during non-conflicting hours may be recognized by the City in lieu of the standards in this Article.

D. Drop-off Points Required

When located outside the Central Business Zone, parking areas for public assembly facilities are to include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points are to be provided for:

1. Hotels and motels;

2. Schools with fifty (50) or more students;

3. Churches with a capacity of one hundred (100) or more;

4. Restaurants with a capacity of fifty (50) or more customers;

5. Public transportation terminals;

6. Places of public assembly;

7. Public buildings; and

8. Offices larger than five thousand feet (5,000').

E. Bicycle Parking

1. Bicycle Parking Facility Design

a. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary rack which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.

b. Bicycle parking spaces shall be at least six feet (6') long and two and one-half feet (2½') wide, and overhead clearance in covered spaces shall be a minimum of seven feet (7').

c. A five foot (5') aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

d. Bicycle racks or lockers shall be securely anchored.

e. Required bicycle parking shall be located in a well lighted, secure and generally visible location.

f. Bicycle parking shall not obstruct walkways. A minimum five foot (5') wide aisle shall remain clear.

g. If ten (10) or more bicycle spaces are required for commercial development, then at least twenty percent (20%) of the bicycle spaces must be covered. A lockable enclosure shall be considered as a covered parking space.

h. All of the required bicycle parking for residential uses shall be covered. This may include space provided in a carport or garage.

i. Bicycle parking areas shall be located and designed to prevent damage from maneuvering vehicles.

2. Location Standards for Bicycle Parking

a. All required bicycle parking shall be located on the site within fifty feet (50') of main building entrances and not farther from the entrance than the closest standard or compact motor vehicle parking space. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use.

b. For buildings or development with multiple entrances, required bicycle parking shall be distributed proportionally at the various public entrances. Long-term public parking shall also be distributed at the various public entrances, while employee parking shall be located at the employee entrance, if appropriate.

c. Bicycle parking may be located in the public right-of-way with the approval of the Public Works Director.

d. Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists.

SECTION 5.7.006 - PARKING LOT CONSTRUCTION

All parking areas with off-street parking spaces are to be improved as follows, except as otherwise provided by this Section and by Section 5.7.005(B)(3) and (4):

A. Surfacing

All parking areas are to be surfaced with an asphalt, concrete, or oil mat surface in conformance with City standards. Where concrete or asphalt is required, brick or other masonry paving units may be substituted including vertically-oriented concrete block.

B. Lining and Marking

Parking spaces in paved parking areas are to be marked with paint striping, a minimum of two inches (2") in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

C. Wheel Stops

Wheel stops, or continuous concrete or asphalt curbing is required in all parking lots to define the perimeter of the parking area, and to protect landscaping from vehicle encroachment. Wheel stops are to be constructed as follows:

1. Wheel stops are to be constructed of durable material not less than six inches (6") in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

2. Wheel stops or other vehicle barriers are to be located no closer than three feet (3') to any property lines. The area between the wheel stops or barriers and the property line shall be landscaped. [Ord. 3006, Feb. 5, 2003]

D. Vertical Clearance
Covered parking spaces are to have a vertical clearance of at least seven feet six inches (7'6") above the parking lot surface for all uses except residential.

E. Slope
The finished grade of a parking lot is not to exceed a five percent (5%) slope.

F. Landscaping
A minimum of five percent (5%) of the interior of all parking lots with four (4) or more spaces is to be landscaped, in addition to any perimeter landscaping required by Subsection G(2) of this Section. The total aggregate area of landscaping need not exceed the minimum requirements in Article 5.6, Section 5.6.005(B). One (1) tree per each six (6) parking spaces is required in any parking lot to provide shade and visual relief to parking lots.

G. Screening
1. Parking lots which abut a residential zone shall be visually screened by a landscaping strip with a minimum height of five feet (5'), or a six foot (6') high solid fence or wall located on the parking lot side of the property.

2. Parking lots abutting a public street are to be separated from the street right-of-way by a landscaping strip with a minimum width of six feet (6').

H. Drainage
All drainage resulting from the improvements shall be collected on-site in such a manner that it can be discharged to an approved storm water collection system without flowing across any public sidewalk or street.

I. Signs
All traffic control signs required for ingress and egress to and from the parking lot shall be installed on private property and not in the public right-of-way.

SECTION 5.7.007 - PARKING USES NOT IDENTIFIED IN OFF-STREET PARKING REQUIREMENTS

For any use not listed herein, the required off-street parking shall be determined by the Planning Commission. In determining the off-street parking requirements of any unlisted use, the Planning Commission shall first make a finding that all of the following conditions exist:

A. That field investigations disclose that the subject use and its operations are compatible with one or more uses under which parking area is designated.

B. That the proposed parking area requirements will adequately serve the intended use and be located in such a manner to protect the public health, peace, safety, and general welfare.

SECTION 5.7.008 - DESIGNATED IMPROVEMENT STANDARDS FOR PARKING LOTS OF FOUR OR MORE SPACES

A. Each paved space must be marked by striping.

B. Traffic flow arrows and signs may be required.

C. No parking space shall back onto a street without Site Plan approval.

D. Adequate drainage shall be specified at the time of Site Plan Review.

E. Bumper guards or wheel stops may be required near buildings, fences, or sidewalks during Site Plan Review.

F. Driveway locations shall be approved by the City or the State Highway Division.

G. Artificial lighting may be required but where installed shall not cast a direct light on residences.

SECTION 5.7.009 – TABLE OF OFF-STREET PARKING REQUIREMENTS

USE TYPE	PARKING SPACE REQUIRED
Animal Shelters:	Vehicle - One (1) space for each 500 square feet of gross floor area plus one (1) space for each employee. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Athletic/Health Club:	Vehicle - One (1) space for each two hundred (200) square feet of gross floor area plus one (1) space for each employee and employer. Bicycle – Minimum of twenty percent (20%) of the required vehicular parking with a minimum of two (2) spaces.
Automobile Courts (Motels):	Vehicle - One (1) space for each sleeping or living unit plus one (1) additional space for every two (2) employees. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Banks, business or professional offices including real estate offices, personal service shops, utility computer offices:	Vehicle - One (1) space for each 200 square feet of gross floor area or fraction thereof, plus one (1) space for every two (2) employees. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces
Barber shops and beauty parlors:	Vehicle - One (1) space for each employee and employer plus one (1) space for each 100 square feet of floor area. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Bowling Alley:	Vehicle - Five (5) spaces for each alley plus one (1) space for every two (2) employees. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.

USE TYPE	PARKING SPACE REQUIRED
Churches:	Vehicle – Based on total occupant load of the chapel; one (1) space for every three (3) people when occupancy is 0-300; one (1) space for every four (4) people when occupancy is 301-1,000; and one (1) space for every seven (7) people when occupancy is over 1,000, computed cumulatively, i.e. 320 occupant load would be calculated as follows: 300 @ 1:3 = 100, plus 20 @ 1:4 = 5; for a total of 105 spaces.
Colleges, universities, and trade schools:	Vehicle - Five (5) spaces per classroom, plus one (1) space for every two (2) employees, plus one (1) space per each fleet vehicle, plus the requirements for public assembly as set forth herein. Bicycle – Four (4) spaces per classroom.
Day Care Schools:	Vehicle - One (1) space for each employee and employer and a thirty foot (30') reserve area for picking up children. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Elementary or Junior High:	Vehicle - One and one-half (1½) spaces for each classroom, plus one (1) bus loading space for each 150 students or portion thereof. Bicycle – Four (4) spaces per classroom.
Establishments for the sale and consumption on the premises of food and beverages:	Vehicle - One (1) space for each (100) square feet of gross floor area or one (1) space per four (4) seats, whichever is less, plus one (1) space for each employee and employer. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Group Care Homes:	Vehicle - One (1) space for each 500 square feet of gross floor area plus one (1) space for each employee. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Gymnasiums, lodges, meeting halls, stadiums, sports arenas, theaters, auditoriums, and other public assembly areas:	Vehicle - Based on total occupancy load; one (1) space for every three (3) people when occupancy is 0-300; one (1) space for every four (4) people when occupancy is 301-1,000; and one (1) space for every seven (7) people when occupancy is over 1,000, computed cumulatively, i.e. 320 occupant load would be calculated as follows: 300 @ 1:3 = 100, plus 20 @ 1:4 = 5; for a total of 105 spaces. Bicycle – Minimum of twenty percent (20%) of the required vehicular parking with a minimum of two (2) spaces.
High Schools:	Vehicle - Three (3) spaces per classroom, plus one (1) space per ten (10) students the school is designed to accommodate, one (1) per each employee, one (1) for each fleet vehicle, plus the requirements for public assembly as set forth herein.

USE TYPE	PARKING SPACE REQUIRED
	Bicycle – Four (4) spaces per classroom.
Hospitals:	Vehicle - Two (2) spaces for each bed. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Hotels:	Vehicle - One (1) space for each guest room up to forty (40) guest rooms plus one (1) additional space for each two (2) rooms over the first forty (40) rooms and one (1) space for each employee and employer. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Library or Museum	Vehicle - One (1) space per 400 square feet of floor area. Bicycle – Minimum of twenty percent (20%) of the required vehicular parking with a minimum of two (2) spaces.
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, printing and engraving or similar use:	Vehicle - One (1) for every two (2) employees, or not less than one (1) space for each five hundred (500) square feet of gross floor area whichever amount is greater, plus one (1) space for each fleet vehicle. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Medical or dental clinics and medical professional schools:	Vehicle - One (1) space for each doctor and each employee plus one (1) space for each 300 square feet of gross floor area. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Mortuaries and funeral homes:	Vehicle - One (1) space for each employee and one (1) space per four (4) seats based on maximum capacity. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Motor vehicles or machinery sales and automotive repair shops, wholesale stores:	Vehicle - One (1) space for each 800 square feet of gross floor area plus one (1) space for each employee and employer. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Multiple dwelling housing for senior citizens over sixty (60) years of age whose income level qualified the occupants to receive HUD rent subsidies:	Vehicle - One (1) space per every two (2) dwelling units, plus an off-street loading area. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Nursing and convalescent	Vehicle - One (1) space for every three (3) patient beds plus one (1)

USE TYPE	PARKING SPACE REQUIRED
homes:	space for each employee and employer. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Offices not providing customer service on the premises:	Vehicle - One (1) space for each employee or one (1) space for each 400 square feet of gross floor area, whichever amount is greater. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Residential Use:	Vehicle - One and one-half (1½) spaces per living unit for multiple family and two (2) spaces per single family, or one (1) space plus a garage space; one (1) space per residential unit must be covered. Bicycle – One (1) space per unit for multi-family.
Rest homes, homes for the aged, or assisted living:	Vehicle - One (1) space for every two (2) patient beds or one (1) space per apartment unit. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Retail sales lots such as lumber yards, builder supply stores, yards, nurseries, or any other retail use not listed herein and having portions of operations not within a building:	Vehicle - One (1) space for each employer and employee plus one (1) space for each 400 square feet of gross retail floor area, and one (1) space for each one 1,000 square feet of gross retail sales area. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.
Retail stores having more than 5,000 square feet of floor area:	Vehicle - Twenty (20) spaces plus one (1) space for each 400 square feet of gross floor area devoted to retail sales in excess of 5,000 square feet plus one (1) space for each employee and employer. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Retail stores, except as otherwise specified herein, having not more than 5,000 square feet of floor area:	Vehicle - One (1) space for each 400 square feet of gross floor area devoted to retail sales plus one (1) space for each employee. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Rooming houses, lodging houses, dormitories, clubs and fraternity houses, bed and breakfasts, residential homes and residential facilities:	Vehicle - One (1) space for each sleeping room or one (1) space for each two (2) beds, whichever is greater. Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Swimming Pool:	Vehicle - One (1) space per 400 square feet of gross floor area or one (1) space per five (5) seats or ten feet (10') of bench length; whichever amount is greater.

USE TYPE	PARKING SPACE REQUIRED
	Bicycle – Minimum of ten percent (10%) of the required vehicular parking with a minimum of two (2) spaces.
Trailer parks and/or mobile home parks:	Vehicle - Two (2) spaces in conjunction with each trailer space, plus one (1) space for each three (3) trailer spaces, the latter to be provided in the trailer park separate from the trailer spaces
Warehouses and Storage Buildings:	Vehicle - One (1) space for each employee and one (1) space for each fleet vehicle. Bicycle – Minimum of five percent (5%) of the required vehicular parking with a minimum of two (2) spaces.

ARTICLE 5.8 - SIGNS

[Ord. 2877, Series 1995; Ord. 3047, July 12, 2006]

SECTION 5.8.001 – PURPOSE

The purpose of establishing standards for signs are to provide reasonable and necessary regulations for the construction, illumination, type, size, number and location of signs in order to:

1. Promote free and meaningful exchange of ideas and information.
2. Protect the health, safety, property and welfare of the public.
3. Promote a neat, clean, orderly and attractive appearance within the City.
4. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
5. Eliminate signs that demand, rather than invite, public attention.
6. Provide for the reasonable, orderly and effective display of outdoor advertising compatible with the surroundings.
7. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the City and its citizens.
8. Provide effective signing to meet the anticipated differing needs of various areas in the City.
9. Provide for the safe erection and maintenance of signs.

SECTION 5.8.002 – DEFINITIONS INCLUDED BY REFERENCE

"A"

ABANDONED SIGN – A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

ADMINISTRATOR – The Building Official and/or Community Development Director/Planner, under the supervision and control of the City Manager, is hereby authorized to administer and directed to enforce all of the provisions of this Ordinance.

ANIMATED SIGN – A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. Animated Signs include the following:

a. NATURALLY ENERGIZED – Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks or other similar devices designed to move in the wind.

b. MECHANICALLY ENERGIZED – Signs manifesting a repetitious pre-programmed physical movement or rotation in either one (1) or a series of planes activated by means of mechanically based drives.

c. ELECTRICALLY ENERGIZED – Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are two (2) types:

1. FLASHING SIGNS – Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one (1) or more sources in which the duration of the period of illumination (on Phase) is either the same as, or less than, the duration of the period of darkness (off phase) and in which the intensity of illumination varies from zero (0) (off) to one hundred (100) percent (on) during the programmed cycle.

2. ILLUSIONARY MOVEMENT SIGNS – Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating or expanding and contracting light patterns.

AREA IDENTIFICATION SIGN – A sign identifying the name of a manufactured home park, Planned Unit Development, subdivision, apartment or condominium, commercial center of two (2) or more separate businesses, industrial area, office complex of two (2) or more separate businesses or structures or any combination of the above.

AWNING – A structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be in a fixed position, raised or retracted to a position against the building.

AWNING SIGN – A sign painted on, printed on or attached flat against the surface of an awning.

"B"

BANNER SIGN – A sign made of fabric or any non-rigid material with no enclosing framework.

BARBER POLE – A device, usually cylindrical in shape, attached to a building or a freestanding pole, colored diagonally red, white and blue, which may revolve to identify the business of men's hair cutting.

BILLBOARD – Any structure used or intended for supporting or sheltering any use or occupancy.

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

BUILDING LINE – A line established by Ordinance beyond which no building may extend, including, but not limited to, a property line.

BULLETIN BOARD – See "Civic Use" Signs.

BUSINESS COMPLEX – One (1) property ownership with the property owner and one (1) or more business tenants as occupants, or two (2) or more business tenants as occupants of the property. In a business complex, business tenants including retail shops, executive or administrative services, including medicinal clinics and accessory pharmacies, professional offices and personal service establishments which perform personal services on the premise and similar uses.

"C"

CANOPY – A permanent-roofed structure which may be freestanding or partially attached to a building for the purpose of providing shelter to patrons in automobiles but shall not mean a completely closed structure.

CANOPY SIGN – A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

CHANGEABLE SIGN – A sign whose informational content can be changed or altered by manual or electric, electro mechanical or electronic means. Changeable signs include the following types:

a. MANUALLY ACTIVATED – Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered by manual means.

b. ELECTRICALLY ACTIVATED – Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two (2) types:

    1. FIXED MESSAGE ELECTRONIC SIGNS – Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

    2. COMPUTER CONTROLLED VARIABLE MESSAGE SIGNS – Electronic signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

CITY – The city of La Grande, Oregon, or any of its authorized representatives.

CIVIC USE SIGNS – A sign which identifies churches, schools and other public facilities and/or announces events which are held on the premises.

CLEARANCE (OF A SIGN) – The smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

CLEAR VIEW ZONE – The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two (2) property lines intersect, measuring back thirty feet (30') on each street from and drawing a line across the two (2) back points to form a triangulated area. No sign in excess of thirty inches (30') above curb or street grade nor support pole larger than twelve inches (12') in diameter may be installed in this area. Free-standing signs must have at least ten feet (10') clearance to grade.

COMMISSION – The Planning Commission of the City of La Grande, Oregon.

CONDITIONAL SIGN – A sign which is subject to approval and to conditions which may be imposed by the Commission after a Public Hearing.

CONSTRUCTION SIGN – A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

COPY – The wording and/or symbols on a sign face.

COPY CHANGE – The replacing of an existing sign copy and/or sign face to reflect an image change or new business or use without altering the existing sign structure.

CORNER-MOUNTED PROJECTING SIGN – A projecting sign mounted on the outside street corner of a building frontage at a thirty-five to fifty-five degree (35°- 55°) angle to the extended building lines.

COUNCIL – The City Council of the City of La Grande, Oregon.

CUTOUT – A display in the form of letters, figures, characters, representations or others in cutout or irregular form attached to or superimposed upon an advertising sign.

CUTOUT DISPLAY SIGN – A display message in the form of letters, figures, representations or others in cutout or irregular form attached to the building face, roof, sloping roof or parapet.

"D"

DIRECTIONAL SIGN – A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities

DIRECTORY SIGN – A sign which indicated the name and/or address of the occupant, the address of the premise and/or identification of any legal business or occupations which may exist at the premises.

DOUBLE-FACED SIGN – A sign with two (2) faces, essentially back-to-back.

"E"

ELECTRIC SIGN – Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source and provides artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

ELECTRONIC MESSAGE CENTER – See "Changeable Signs, Electrically Activated".

ERECT – This term shall mean attach, place, alter, construct, reconstruct, enlarge or move and includes the painting of wall signs, but does not include copy changes on any sign.

"F"

FACE OF SIGN – The area of a sign on which the copy is placed.

FLASHING SIGN – See "Animated Sign, Electrically Energized".

FREESTANDING SIGN – A sign supported by one (1) or more uprights in the ground and detached from any building or structure.

FRONTAGE – The length of the property line of any one (1) premise, lot parcel or structure along a public right-of-way.

FRONTAGE, BUILDING – The length of an outside building wall on a public right-of-way.

"G"

GROUND SIGN – A sign which is mounted on or anchored to the ground, has a monolithic or columnar line and which maintains essentially the same contour from grade to the top of the sign. The bottom of the sign should not be more than four feet (4') from the ground.

"H"

HEIGHT (OF A SIGN) – The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

"I"

ILLEGAL SIGN – A sign which does not meet the requirements of this Code and which has not received legal non-conforming status.

ILLUMINATED SIGN – Any sign which reflects light from a source intentionally directed upon it, such as by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

INCIDENTAL SIGN – A small sign, emblem or decal informing the public of goods, facilities or services available on the premises; e.g., a credit card sign or a sign indicating hours of business.

INSTITUTIONAL SIGN – See "Civic Use" Signs.

"M"

MAINTENANCE – For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

MANSARD – A sloped roof or roof-like façade architecturally comparable to a building wall.

MARQUEE – A permanent roofed structure attached to or supported by a building but does not mean a "canopy," as defined herein.

MARQUEE SIGN – Any sign attached to or supported by a marquee structure.

"N"

NAMEPLATE – Small signs attached flat against a building, non-illuminated and announcing only the name, address and /or occupation of the building tenant(s).

NEIGHBORHOOD COMMERCIAL SIGN – Any on-premise sign associated with a commercial use allowed in a residential zone under a Conditional Use Permit by the Planning Commission.

NON-CONFORMING SIGN – Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Code and which fails to conform to all applicable regulations and restrictions of this Code.

NON-STRUCTURAL TRIM – Moldings, battens, caps, nailing strips and latticing, ladders and walkways which are attached to a sign structure.

"O"

OCCUPANCY – The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

OFF-PREMISE SIGN – A sign structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of individual, business, product or service available on the premise the billboard is located on.

ON-PREMISE SIGN – A sign which pertains to the use of the premises and/or property on which it is located.

OWNER – A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Community Development Director/Planner; e.g., a sign leased from a sign company.

"P"

PAINTED WALL SIGN – Any sign which is applied with paint or similar substance on the surface of a wall.

PARAPET – The extension of a false front or wall above a roofline.

PERMIT – The document issued by the City authorizing the erection of a sign.

PERSON – Any individual, corporation, association, firm, partnership or similarly defined interest.

POLITICAL SIGN – A temporary sign used in connection with a local, State or national election or referendum.

PORTABLE SIGN – Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PROJECTING SIGN – A sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

"R"

READER BOARD SIGN – See "Changeable Sign".

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

ROOFLINE – The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

ROOF SIGN – Any sign erected over or upon the roof of a building and which is supported by said building.

ROTATING SIGN – See "Animated Sign, Mechanically Energized".

"S"

SHOPPING CENTER – A premises planned and developed as a unit with an undivided, non-segregated parking area and is advertised as a center or mall having multiple occupancy by businesses.

SIGN – Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of national flags. For the purpose of removal, signs shall also include all sign structural members.

SIGN, AREA OF:

(a) PROJECTING AND FREESTANDING – The area of a freestanding or projecting sign shall have only one (1) side of any double- or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets:

(1) A rectilinear line of not more than eight (8) sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.

(b) WALL SIGN – The area shall be with a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

SNIPE SIGN – A temporary sign or poster affixed to a tree, fence, etc.

"T"

TEMPORARY SIGN – A sign, banner, balloon, pennant, valance or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal or similar lightweight materials, with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible lightweight plastic, vinyl, paper or cardboard, temporary signs shall be limited to signs displayed five feet (5') or less above ground level.

TRAVELWAY CANOPY SIGN – A sign suspended beneath a canopy, ceiling, roof or marquee.

"U"

UNIFORM BUILDING CODE – The Uniform Building Code (UBC) as amended and adopted by the State of Oregon and the City of La Grande, a copy of which is on file in the Building Department.

"V"

"V" SIGN – "V"-Type" sign means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than one hundred twenty degrees (120°) and the signs separated by not more than ten feet (10') at the nearest point.

"W"

WALL SIGN – A sign attached essentially parallel to and extending not more than twelve inches (12") from the wall of a building, with no copy on the sides or edges. This definition includes painted, individual letters, cabinet signs and signs on a mansard.

WINDOW SIGN – A sign painted on, attached to or placed upon glass surfaces of windows or doors of a building intended for viewing from the exterior of the building.

"Z"

ZONE – An area which has been identified to accommodate a specific type of use as determined in the "City Land Development Code."

SECTION 5.8.003 – GENERAL PROVISIONS

It shall hereafter be unlawful for any person to erect, place or maintain a sign in the City of La Grande, except in accordance with provisions of this Ordinance.

SECTION 5.8.004 – SIGNS PROHIBITED

A. Snipe signs or signs attached to trees, telephone poles, public benches, street lights or placed on any public property or public right-of-way.

B. Signs imitating or resembling official traffic or government signs or signals.

C. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to allowed portable signs, or to signs or lettering on buses, taxis or vehicles operating during the normal course of business.

D. Portable and wheeled signs, except as a temporary sign.

E. Abandoned signs.

F. Any sign suspended by non-rigid attachments that will allow the sign to swing in a wind.

SECTION 5.8.005 – PERMITS REQUIRED

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as set by Resolution. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable signs.

SECTION 5.8.006 – SIGNS NOT REQUIRING PERMITS

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Ordinance:

A. Civic Type Uses (Churches, Schools and Other Public Facilities)
Limited to one (1) on-site wall or ground sign for each building or activity facility not to exceed sixteen (16) square feet, unless otherwise approved by the Planning Commission by Conditional Use. Any Civic Use Type Sign approved by the Commission to exceed sixteen (16) square feet shall be subject to the permit requirements, as set forth in Section 6.03 of this code. No sign shall be located within any Clear View zone, unless the sign is thirty inches (30") or less in height.

B. Construction Signs
Signs of sixteen (16) square feet or less.

C. Directional/Information Signs
Signs identifying rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs and those of similar nature, located entirely on the property, which do not exceed six (6) square feet in area and four feet (4') in height.

D. Holiday or Special Events Decorations
Signs which are clearly incidental, customarily and commonly associated with any national, local or religious holiday.

E. Non-Illuminated Nameplates
Signs of two (2) square feet or less per building tenant.

F. House or Building Numbers
Numbers limited to six inches (6") in height for dwellings of four (4) or less families and twelve inches (12") in height for other buildings.

G. Temporary Political Campaign Signs
Signs shall be erected only on private property with the consent of the legal possessor of the premises; not located on utility poles, trees or rocks. Limited to a sign area of sixteen (16) square feet and a maximum horizontal dimension of eight feet (8'); not located within any Clear View zone; and are maintained in a neat, clean and attractive condition. Signs may be erected during the campaign for a period of sixty (60) days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth (5th) day following the election. Political or ideological signs displayed for a longer period must conform to the requirements for permanent signs of a similar structure.

H. Temporary Non-Profit Signs
Signs identifying or advertising a non-profit civic, charitable or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes.

I. Street Banners or Decorations
Banners or decorations approved by the City Manager advertising a public entertainment or event and conditional upon safe erection and maintenance and such conditions as the City Manager may attach, including but not limited to insurance and bonding.

J. Signs Located Inside A Building
Signs that are not visible to the public outside the building.

K. Window Signs
Signs which are painted on, attached to, or placed upon glass surfaces of windows or doors of a building intended for viewing from the exterior of the building. The permitted area for such signs shall be subject to the area requirements for wall signs and conform to the illumination requirements of this Ordinance.

L. Official Sign, Traffic Sign or Signal
Signs including but not limited to a sign identifying a public building or use, or erected by a public office performing an official duty under law, court or administrative officer.

M. Non-Illuminated Directional and Motor Vehicle Directional Signs
Signs painted on paving for control and direction of both vehicular and pedestrian traffic.

N. Real Estate Signs
Only one (1) sign per Realtor is allowed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not-illuminated, does not exceed six (6) square feet in Residential zones, or thirty-two (32) square feet in Commercial and Industrial zones and is removed within seven (7) days after the sale, rental or lease of the facility and/or lot (has been accomplished).

O. Memorial Signs, Tablets or Plaques
Memorial signs, tablets or plaques shall not exceed four (4) square feet in area.

Q. Area Identification Sign
A ground or wall sign identifying a recognized subdivision, apartment, condominium, manufactured home park or planned unit development. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the development identification, provided the legend of such sign or display shall consist only of the development name and shall not exceed sixteen (16) square feet. Such signs shall not be located within any Clear View zone unless the sign is thirty inches (30") or less in height.

R. Temporary Subdivision Sign
Signs may be erected upon a tract of land designated as a subdivision, advertising sale of the tract or lots in the tract. Such sign shall not exceed thirty-two (32) square feet in area. The sign shall be reduced in size by four (4) square feet for each lot less than seven (7) lots in the subdivision.

S. Temporary Signs To Be Used For Promotional Purposes
Signs are allowed only on private property and are subject to the following:

(1) Temporary signs for promotional purposes may be erected for a period not to exceed two (2) weeks before the event advertised.

(2) No more than one (1) sandwich board or "A-Frame" signs shall be allowed for each premises.

(3) A balloon, banner, pennant, streamer, festoon or valance constructed of cloth, flexible lightweight plastic, vinyl, paper or cardboard may be used as a temporary sign for promotional purposes only. The sign will be permitted for a period of sixty (60) consecutive days in any six (6) month period.

Wall signs constructed of durable cloth, flexible lightweight plastic, vinyl or similar materials intended to be displayed for a period of more than sixty (60) days shall be subject to the requirements of permanent signs.

T. Flags
Flags of the United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations or civic, fraternal, veterans or charitable organizations.

U. Garage Sale Signs
Signs are limited to one (1) per premise, with a maximum of three (3) square feet in area, for the duration of the sale only.

V. Barber Pole
One (1) pole per business, not to exceed four feet (4') in length nor more than one foot (1') in diameter.

W. Incidental Sign
Four (4) square feet of incidental signage allowed per occupancy or one (1) square foot per five hundred (500) square feet of the occupants' ground floor area. The aggregate area of the incidental signs shall not exceed that allowable. The aggregate area of an incidental sign shall be included in the total allowable area for wall signs. Incidental signs shall not be of a projecting type.

SECTION 5.8.007 – MAINTENANCE AND APPEARANCE STANDARDS

A. All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained as applicable.

B. No person shall scatter, daub or leave any paint, paste, glue or other substances used for painting or affixing a message to the display surface of any sign, throw or cloth, or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.

C. The Community Development Director/Planner may order the removal of any sign that is not maintained in accordance with provisions set forth herein. All signs may be reinspected at the discretion of the Community Development Director/Planner. Maintenance of signs and their associated structure(s) shall be the responsibility of the sign owner.

SECTION 5.8.008 – SIGN ILLUMINATION

No sign shall be erected or maintained which, by use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. With the exception of message type signs

where the bulbs are located behind sunscreens, no exposed reflective-type bulb, spot or incandescent lamp shall exceed thirty (30) watt capacity unless a screen is attached or the sign is placed over ten feet (10') above grade. It shall be unlawful to use any revolving beacon or search lights.

SECTION 5.8.009 – ANIMATED AND CHANGEABLE SIGNS
Animated Changeable Signs are allowed as follows:

A. Animated signs are only permitted by Conditional Use and are limited to the General Commercial, Interchange Commercial and all Industrial Zones, with the following exceptions:

(1) Temporary Signs to be used for promotional purposes as defined in Section 5.8.006(S)(3) are permitted outright in the Central business, General Commercial, Interchange Commercial and all Industrial Zones.

(2) Flags, as defined in Section 5.8.006(T), are permitted outright in all zones.

SECTION 5.8.010 – SIGN CONTRACTORS LICENSE
No person may engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid contractor's license from the State of Oregon Contractors Board, and all other applicable State and Federal licenses.

SECTION 5.8.011 – INDEMNIFICATION AND INSURANCE
All persons involved in the maintenance, installation, alteration or relocation of signs near or upon any public right-of-way or property, shall sign an agreement to hold harmless and indemnify the City, its officers, agents and employees against any and all claims of negligence resulting from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain satisfactory certificate of insurance naming the State, County or City as additional insured on the property owner's sign.

SECTION 5.8.012 –SIGNS PERMITTED IN RESIDENTIAL ZONES AND RESIDENTIAL PROFESSIONAL ZONES
Signs are allowed as follows in Residential zones RR-1, R-1, R-2, R-3 and Residential-Professional Zone R-P:

A. All signs as permitted in Section 5.8.006 except (K), (S), (V) and (W).

B. Construction Project Sign
One (1) ground sign, thirty-two (32) square feet in area, may be erected five (5) days prior to the beginning of construction and shall be removed within five (5) days after completion of construction.

C. Home Occupancy Sign
One (1) flush-mounted wall sign not to exceed three (3) square feet in sign area.

D. Area Identification Sign

(1) Apartments and Condominiums

One (1) ground or wall sign not to exceed thirty-two (32) square feet in sign area, may be erected five (5) days prior to the beginning of construction and shall be removed within five (5) days after completion of construction.

(2) Subdivision Signs
One (1) ground sign not to exceed thirty-two (32) square feet in sign area shall be permitted per primary street entrance into the subdivision.

E. Ground Signs
As permitted in Section 5.8.013(B), (D), and (H). Shall have a maximum height of eight feet (8') and shall not be located within any Clear View zone unless the sign is thirty inches (30") or less in height.

F. Wall Signs
As permitted in Section 5.8.013(D) and (H). Shall comply with the general requirements of Section 5.8.013(D), paragraph 3.

G. Illumination
No sign in a Residential or Residential-Professional Zone shall be internally illuminated unless approved as a Conditional Use by the Commission.

H. Special sign regulations for Residential Zones and the Residential-Professional zone for uses permitted as a Conditional Use by the Commission:

(1) Area Identification Signs for Manufactured Home Parks and Planned Unit Developments
One (1) ground sign not to exceed thirty-two (32) square feet in sign area shall be permitted per primary street entrance into the complex.

(2) Bed and Breakfast Inns
One (1) freestanding, on-premise sign not to exceed four (4) square feet area or six feet (6') in height.

(3) Neighborhood Convenience Center
One (1) flush-mounted wall sign and/or one (1) ground sign on each street frontage not to exceed thirty-two (32) square feet in sign area for each sign.

(4) Civic and Commercial Administrative, Professional Offices, Clinic and Medical Services
One (1) wall or ground mounted sign not to exceed thirty-two (32) square feet in sign area and may have a building directory sign provided that the area of such sign does not exceed two (2) square feet per tenant of the building.

(5) Churches, Schools and other Civic Use Types
May have One (1) wall or ground sign for each building or activity facility not to exceed thirty-two (32) square feet in sign area.

SECTION 5.8.013 – SIGNS PERMITTED IN CENTRAL BUSINESS DISTRICT
Signs are allowed as follows in the Central Business (CB) Zone:

A. All signs as permitted in Section 5.8.006 and Section 5.8.012

B. Construction Project Sign
One (1) non-illuminated ground sign, sixty-four (64) square feet in area, may be erected sixty (60) days prior to the beginning of construction and shall be removed within fourteen (14) days after completion of construction.

C. Freestanding Sign
One (1) freestanding sign per premise not to exceed one (1) square foot in sign area for each linear foot of main street frontage up to a maximum of one hundred (100) square feet. Such signs may not exceed a height of twenty feet (20') above the sidewalk or street grade to the top of the sign. The maximum projection shall not exceed five feet (5') over a public right-of-way nor any closer than two feet (2') from the outer curb face or six feet (6') from the traveled surface where no curb is present. A minimum clearance of seventeen feet (17') shall be maintained over any vehicular use area and eight feet (8') over any pedestrian use area.

D. Wall Signs
Total aggregate area of signs shall not exceed three (3) square feet of sign area for each linear foot of that occupancy's main building frontage.

An individual business within a business complex which is located on the ground floor, or has an entrance on the ground floor and has direct pedestrian access to a street, shall be permitted one (1) wall sign with a maximum sign area not to exceed one square foot (1 sq. ft.) of sign area for each linear foot of the individual business building frontage. If a business has no identifiable building frontage, a wall sign with a maximum area of twenty-four (24) square feet shall be allowed adjacent to, or above the entrance giving access to the business.

No wall sign shall be permitted to extend more than twelve inches (12') beyond the building line, except that the upper edge of a wall sign mounted on a mansard roof may project more than twelve inches (12") so long as the sign is perpendicular to the ground. No wall sign shall exceed the ends of the building front face on the top (roofline, parapet or mansard) of the face upon which it is erected or more than twenty feet (20') above the sidewalk or adjacent grade, whichever is less, measured to the top of the sign. A minimum clearance of eight feet (8') shall be maintained from the bottom of the sign to the sidewalk or grade immediately below. Wall signs projecting two inches (2") or less beyond the building line may have a clearance of less than eight feet (8') from the bottom of the sign to the sidewalk or grade immediately below.

E. Projecting Sign
One (1) projecting sign per occupancy, with a minimum sign area of twenty-four (24) square feet and not to exceed one (1) square foot in sign area for each linear foot of an occupancy's main building frontage up to a maximum of fifty (50) square feet of sign area. No projecting sign shall project more than eight feet (8') from the wall of the building upon which it is erected, nor shall any sign extend closer to the street than two feet (2') from the outer curb face, or six feet (6') from the traveled surface where no curb is present. Projecting signs shall have a minimum clearance of seventeen feet (17') over any vehicular use area and eight feet (8') over any pedestrian use area and shall not be more than twenty feet (20') or to the roofline, parapet, or mansard whichever is less, measured to the top of the sign.

Projecting signs are not allowed on an alley side of a building or on other building sides not fronting a street.

F. Corner-Mounted Projecting Sign
One (1) corner-mounted projecting sign is allowed when an occupancy is on a street corner in lieu of two (2) projecting signs, as allowed in Section 5.8.013 (K (3). The allowed sign projection is the same that would have been allowed had the sign been located on the occupant's longest street frontage and shall not exceed fifty (50) square feet of sign area.

G. Travelway Canopy/Marquee Signs
One (1) travelway canopy/marquee sign for each separate occupancy or separate entrance, not to exceed six (6) square feet in sign area. Travelway canopy/marquee signs must have a minimum clearance of seven and one-half feet (7'1/2") above the sidewalk or pedestrian use area and shall be entirely within the border line of the canopy/marquee outer edge.

H. Awning, Canopy, Marquee Signs
The height of the sign shall not exceed the thickness of the awning, canopy or marquee on which the sign is placed. The total area of such sign(s) shall be included in the total allowable aggregate area of wall signs, as per Section 5.8.013 (D).

I. "V" Signs
Sign shall not exceed the projection and/or location limitations, as permitted for a projecting sign. The maximum sign face area shall be that as allowed for wall signs. Each sign face shall be included in calculating the sign face area of a "v" sign.

J. Electrically Activated Changeable Signs
Signs are limited to date, time and temperature.

K. Special regulations and allowances for the Central Business Zone are as follows:

(1) Additional Wall Signs
Additional wall signs are allowed when an occupancy is on a street corner or has more than one (1) main street frontage or fronts a parking lot on that occupant's property. The total aggregate sign area on each building frontage shall not exceed that allowed for wall signs per Section 5.8.013 (D).

(2) Alley Signs
An alley sign is limited to a wall sign with a maximum area of twenty-four (24) square feet to identify a business. Such sign shall be located at the entrances. No alley wall sign shall be permitted to extend more than one inch (1") into an alley unless said sign has a minimum clearance of seventeen feet (17') above any vehicular use area. No wall sign shall be permitted to extend more than twelve inches (12") beyond the building line.

(3) Additional Projecting Signs
When an occupancy is on a street corner or has more than one (1) main street frontage (excluding alleys), one (1) additional projecting sign will be allowed on the additional frontage, with a limit of two (2) projecting signs per occupancy.

SECTION 5.8.014 – SIGNS PERMITTED IN THE GENERAL COMMERCIAL AND INDUSTRIAL ZONES

Signs are allowed as follows in the General Commercial (GC) and Industrial (M-1 and M-2) Zones.

A. All signs, as permitted in Sections 5.8.006, 5.8.012 and 5.8.013.

B. Freestanding or Ground Signs

One (1) freestanding sign per premise not to exceed one (1) square foot in a sign area for each linear foot of main street frontage up to a maximum of one hundred fifty (150) square feet. Such signs may not exceed a height of thirty-five feet (35') above the sidewalk or street grade to the top of the sign. The maximum projection shall not exceed five feet (5') over a public right-of-way nor any closer than two feet (2') from the outer curb face or six feet (6') from the traveled surface where no curb is present. A minimum clearance of seventeen feet (17') shall be maintained over any vehicular use area and eight feet (8') over any pedestrian use area.

A ground sign shall be erected only on private property and shall be so located as to not obstruct the view of a sign on adjoining property(ies) and/or the same property when viewed from a vehicular distance of two hundred feet (200') or erected within any Clear View zone.

C. Wall Signs

An individual business within a shopping center which is located on the ground floor and has direct pedestrian access to a street or parking area shall be permitted wall signs, in total aggregate area, not exceeding three (3) square feet of sign area for each linear foot of that individual business building frontage.

D. Service Station

Island signs that designate type of fuel, fuel price and promotional signs are allowed at the rate of thirty-six (36) square feet maximum per pump island. One (1) sign designating fuel prices may be attached to the allowed freestanding sign or to the sign structure, but must be included in the allowable area of the freestanding sign. Signs on canopy fascias are limited to fifty percent (50%) of the area of the fascia. Signs are to be maintained within the boundaries of the fascias.

E. Roof Signs

A roof sign may be allowed where no other sign types can provide effective identification on a single story, low profile building. The top of roof signs shall not extend more than twenty feet (20') from the sidewalk or grade immediately below. The maximum allowable height of roof signs shall not exceed four feet (4') with an allowable area as per wall signs in Section 5.8.013 (D) of this Ordinance. Roof signs shall be constructed so as to conceal all structure and fastenings.

F. Changeable Copy

Any sign herein allowed may use manual, automatic, electrically or mechanically activated changeable copy.

G. Special regulations and allowances for general Commercial and Industrial Zones are as follows:

(1) Additional Sign Area

For each five (5) square feet of landscaping installed at the base of freestanding signs and ground signs (entirely within private property), two (2) square feet of additional face area shall be permitted, up to a maximum of an additional fifty percent (50%) of the sign face area.

(2) Off-Premise Advertising Signs

Signs (billboards) shall be located in Industrial Zones (M-1 and M-2) as designated by the City Land Development Code. Billboards may be located in the General Commercial Zone (GC) by Conditional Use as approved by the Commission. The maximum number of advertising signs shall not exceed eight (8) per mile with no more than five (5) on one side of the street and no closer than five hundred feet (500') apart for signs exceeding two hundred eighty-eight (288) square feet and three hundred feet (300') apart for signs two hundred eight-eight (288) square feet or less when measured along the street center line and measured at right angles thereto. A back-to-back, double-faced or V-Types sign shall be considered one sign. No sign face shall be more than fourteen feet (14') high, nor more than forty-eight feet (48') long measured on the longest side of the sign. Sign area shall not be greater than six hundred seventy-two (672) square feet, with a maximum height above street grade of thirty-five feet (35'). These limitations apply to each side of a back-to-back sign and to each sign forming a V-Type sign.

For measuring to determine sizes within the requirements of this Section, border and trim shall be included, but foundations, supports and stingers shall not be included. No billboard shall be allowed to have more than four (4) steel exposed supports and all illumination devices shall be of a modern design with minimal protrusion from the sign or be concealed within the non-structural trim.

SECTION 5.8.015 – SIGNS PERMITTED IN THE INTERCHANGE COMMERCIAL ZONE

Signs are allowed as follows in the Interchange commercial Zone (IC):

A. All signs as permitted in Section 5.8.014.

B. Freestanding Sign

One (1) additional freestanding sign is allowed having a maximum sign area of four hundred (400) square feet and may be installed to a height of eighty feet (80') above the adjacent grade. The principal purpose of such sign must be to address freeway traffic.

C. Off-Premise Advertising Sign

A permitted, off-premise advertising sign shall have a maximum sign area of four hundred (400) square feet with a maximum height of sixty feet (60') above the adjacent grade. The principal purpose of such sign must be to address freeway traffic.

SECTION 5.8.016 – LEGAL NON-CONFORMING SIGNS

Any sign lawfully existing or under construction on the effective date of this Ordinance which does not conform to one (1) or more of the provisions of this Ordinance may be continued in operation and maintained indefinitely as a legal non-conforming sign subject to compliance with the requirements of Section 5.8.017.

SECTION 5.8.017 – MAINTENANCE AND REPAIR OF LEGAL NON-CONFORMING SIGNS

Normal maintenance of legal non-conforming signs, including changing of copy, necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no structural alteration, enlargement or extension shall be made to a legal non-conforming sign unless the alterations, enlargement or extension will result in the elimination of the

non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at the time, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this Ordinance. In the event the damage or destruction of the non-conforming sign is less than fifty percent (50%) of its replacement value at the time, the sign may be rebuilt to its original condition and may continue to be displayed.

SECTION 5.8.018 – REMOVAL OF CERTAIN SIGNS

A. Non-Conforming Signs

If the Community Development Director/Planner shall find that any non-conforming sign, except for those legal non-conforming signs as specified in Section 5.8.016, is displayed, he/she shall give written notice to the owners, agent or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the Community Development Director/Planner. If such sign is not removed after the conclusion of such ten (10) day period, the Community Development Director/Planner is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

B. Obsolete Signs

Any sign, whether existing on or erected after the effective date of this Ordinance which advertises a business no longer being conducted, or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

If the Community Development Director/Planner shall find that any such sign advertising a business no longer being conducted, or a product no longer being offered for sale in or from the premises on which the sign is located, has not been removed within ninety (90) days upon the cessation of such business or sale of such product, said official shall give written notice to the owner, agent or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the Community Development Director/City Planner. If such sign is not removed after the conclusion of such ten (10) day period, the Community Development Director/Planner is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

C. Unsafe Signs

If the Community Development Director/Planner shall find that any sign is unsafe or insecure or is a menace to the public, said official shall give written notice to the owner, agent or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the Community Development Director/Planner to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Community Development Director/Planner is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

Not withstanding the foregoing provision, the Community Development Director/Planner is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such

sign is located, whenever said official determines that such sign is an immediate peril to persons or property.

SECTION 5.8.019 – DESIGN AND CONSTRUCTION

A. General

Sign and sign structures shall be designed and constructed to resist wind and seismic forces, as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds (2/3) of the deadload resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footing may be used in determining the deadload resisting moment. Such earth shall be carefully placed and thoroughly compacted.

B. Wind Loads

Signs and sign structures shall be designed and constructed to resist wind force, as specified in Chapter 23 of the Uniform Building Code.

C. Seismic Loads

Signs and sign structures shall be designed and constructed to resist seismic forces, as specified in Chapter 23 of the Uniform Building Code.

D. Combined Loads

Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need to be used.

Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

E. Allowable Stresses

The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the Uniform Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Uniform Building Code.

The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased, as specified in Chapter 23 of the Uniform Building Code.

F. Sign Marker ID

Upon each sign for which a Sign Permit is required, there shall be specified the name of the sign erector, date of erection, electrical power consumption in amperes and Underwriters Laboratory

Label if an electrical sign. Such information shall be of sufficient size and contrast to be readable upon inspection.

SECTION 5.8.020 – CONSTRUCTION

A. General
The supports for all signs or sign structures shall be placed upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

B. Materials
Materials of construction for signs and sign structures shall be of the quality and grade, as specified for buildings in the Uniform Sign Code or other applicable Code as required by the Building Official.

In all signs and sign structures, the materials and details of construction shall, in the absence of specified requirements, conform to the following:

(1) Structural steel shall be of such quality as to conform to the Uniform Sign Code or other applicable Code as required by the Building Official. Secondary members in contact with, or directly supporting the display surface, may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of the light gauge steel as specified in the Uniform Sign Code or other applicable Code as required by the Building Official and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than 0.024 of an inch in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be 0.10 inch.

The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-quarter inch (1/4"), except that, if galvanized, such members shall be not less than one-eighth inch (1/8"). Steel pipes shall be of such quality as to conform to UBC Standard 27-1. Steel members may be connected with one (1) galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

(2) Anchors and supports, when of wood and embedded in the soil or within six inches (6') of the soil, shall be of all heartwood of a durable species, or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

C. Restrictions on Combustible Materials
Ground signs and billboards less than one hundred twenty (120) square feet, may be constructed of any material meeting the requirements of this Code. Ground Signs and billboards greater than one hundred twenty (120) square feet shall have primary structural support of steel.

Roof signs, wall signs, projecting signs and signs on marquees shall be constructed of non-combustible materials, except as provided in Subsection (d) of this Section. No combustible materials other than approved plastics shall be used in the construction of electric signs. Exceptions are:

(1) Roof signs may be constructed of unprotected combustible material on roofs of combustible construction.

(2) Roof signs with a maximum surface area of fifty (50) square feet and a maximum height of four feet (4') may be constructed of combustible materials on roofs of any type of construction.

(3) Non-electric wall signs may be constructed of unprotected combustible materials on walls permitted to be of unprotected combustible construction.

On walls of protected combustible construction, or on walls of non-combustible construction, non-electric wall signs may be constructed of unprotected combustible materials up to a height of fifteen feet (15') above the sidewalk or grade measured to the top of the sign. Provided such signs shall be placed either directly against non-combustible surfaces, or furred out from such surfaces, not to exceed one and five-eighth inches (1 5/8") with all concealed space fire-stopped at ten feet (10') intervals along the length of the sign. Where sign panels and furring are of fire retardant treated wood suitable for exterior exposure, the height above the sidewalk or grade may be increased to twenty feet (20').

(4) Ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-Frames", "A-Frames", "trusses", or similar bracing systems, shall be used in constructing a ground sign. All freestanding signs shall have self-support structures erected on or permanently attached to concrete foundations.

Unless approved by the Community Development Director/Planner for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-Frame" or other visible frame located on a building roof.

F. Display Surfaces

Display surfaces in all types of signs may be made of metal, glass, approved plastics or of wood, as allowed in Section 5.8.020 (C). Glass thickness and area limitations shall be as set forth in the following table:

SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

Maximum Size of Exposed Glass Panel		Minimum Thickness Of Glass (Inches)	Type of Glass
Any Dimension (Inches)	Area (Sq. Inches)		
30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3600	¼	Plain, Plate or Wired

Over 144	Over 3600	1/4	Wired Glass

Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exception: Sections of approved plastics on signs other than well signs may be of unlimited area if approved by the Community Development Director/Planner.

Sections of approved plastics on wall signs shall be separated three feet (3') laterally and six feet (6') vertically, by the required exterior wall construction.

Exception: Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Community Development Director/Planner.

G. Approved Plastics
The Community Development Director/Planner shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and if it is determined that the evidence submitted is satisfactory for the use intended.

H. Barriers During Erection
During the erection of any permitted sign, the erector shall provide temporary barriers to cordon off ground area equal to twice the sign face height in which the sign is located to protect the public.

SECTION 5.8.021 – CLEARANCE AND SAFEGUARDS

A. Clearance from High Voltage Power Lines
Signs shall be located not less than six feet (6') horizontally or twelve feet (12') vertically from overhead electrical conductors which are energized in excess of six hundred (600) volts and not less than three feet (3') in any direction from conductors of less than six hundred (600) volts. The term "overhead conductors" as used in this Section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

B. Clearance from Fire Escapes, Exits or Standpipes
No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, required exit, window, door opening or wall opening intended as a means of ingress or egress, or standpipe.

C. Obstruction to Ventilation
No sign shall be erected, constructed or maintained so as to interfere with any opening required for ventilation.

Signs erected within five feet (5') of an exterior wall in which there are openings within the area of the sign, shall be constructed of noncombustible material or approved plastics.

D. Clearances from Surface and Underground Facilities

All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas electricity or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.

E. No Obstruction to Any Existing Warning or Instructional Sign
No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

SECTION 5.8.022 – PERMITS REQUIRED
No sign shall hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this Ordinance and for which a Sign Permit has been issued. A separate permit shall be required for a sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

SECTION 5.8.023 – APPLICATION FOR SIGN PERMIT
Application for Sign Permits shall be made in writing upon forms furnished by the Building Official. It shall be the duty of the Building Official, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this Ordinance and all other laws and Ordinances of the City of La Grande, he/she shall then issue the erection permit.

SECTION 5.8.024 – AUTHORIZATION TO GRANT OR DENY VARIANCES
The Commission may authorize Variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, literal application of the Ordinance would cause an undue or unnecessary hardship. No Variance shall be granted to allow the location of a sign in an unauthorized area or to alleviate a self-inflicted hardship. In granting a Variance, the Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood, or to otherwise achieve the purposes of this Ordinance.

SECTION 5.8.025 – CRITERIA FOR GRANTING A VARIANCE
A Variance may be granted only in the event that all of the following circumstances found to exist. These criteria shall be addressed in writing and accompany the Variance application.

A. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the applicant has no control.

B. The Variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.

C. The Variance would not be materially detrimental to the purposes of this Ordinance or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City plan or policy.

D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.

E. The Variance requested is the minimum Variance which would alleviate the hardship.

SECTION 5.8.026 – APPLICATION FOR A VARIANCE

A property owner or his/her authorized agent may initiate a request for a Variance by filing an application with the City in accordance with Article 8.4 of this Ordinance. Variances shall be processed in accordance with Article 8.4, with the exception that the Review Criteria in Section 5.8.025 shall apply.

SECTION 5.8.027 – AUTHORIZATION TO GRANT OR DENY CONDITIONAL SIGNS

Conditional Signs listed in this Ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Commission in accordance with the standards and procedures set forth in this Ordinance. In permitting a new Conditional Sign or the alteration of an existing Conditional Sign, the Commission may impose, in addition to those standards and requirements expressed by this Ordinance, any additional conditions which the Commission considers necessary to protect the best interests of the surround property or the City as a whole.

SECTION 5.8.028 – APPLICATION FOR CONDITIONAL SIGNS

A property owner or his/her authorized agent may initiate a request for a Conditional Sign or the modification of a Conditional Sign by filing an application with the City in accordance with Article 8.5 of this Ordinance.

SECTION 5.8.028 – SIGNS NOT DEFINED

Any type of sign not defined herein shall be presented to the Community Development Director/Planner, who shall present the matter to the Commission, which shall conduct a Public Hearing and determine the permissibility, size, location or any other restrictions it deems necessary to insure its compatibility with the purposes set forth herein.

SECTION 5.8.029 – REMOVAL OF ILLEGAL SIGNS

The Community Development Director/Planner shall order the removal of any sign and its structural member(s) erected or maintained in violation of this Ordinance. Three (3) days notice in writing will be given to the owner, agent or person of the building, structure or premises on which any prohibited sign has been erected, to have it removed. Ten (10) days notice in writing will be given to the owner, agent or person of any other illegal sign or of the building, structure or premises on which such sign is located, to either bring the sign into compliance with the Ordinance or effect its removal.

Upon failure to remove the sign or to comply with this notice, the Community Development Director/Planner shall remove the sign. The Community Development Director/Planner shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

Any costs of removal incurred by the City shall be assessed to the owner of the property on which such sign and/or structural member(s) is located and may be collected in the manner of ordinary debt or in the manner of liens, with all costs of removal or demolition plus administrative costs assessed against the property.

SECTION 5.8.030 – SIGNS THAT ARE A NUISANCE

The location, erection, construction, maintenance, repair, alteration of a sign and structure, except as provided herein, in violation of the terms of this Ordinance is hereby declared to be a nuisance under the provisions of the City's Nuisance Ordinance.

ARTICLE 5.9 – ACCESSORY BUILDINGS

SECTION 5.9.001 - STANDARDS

A. Accessory buildings meeting all setback requirements for the main building shall:

1. Have a building footprint and height equal to or less than the main building or in accordance with Subsection (B) (2) and (3) below, which ever is greater. [Ord. 3047, July 12, 2006]

2. Only be used for the accessory uses allowed in the respective zone.

3. Be architecturally compatible with the main building, as determined by the Community Development Director/Planner. Similar siding and roofing materials and colors are required unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within one hundred feet (100').

B. Accessory buildings that do not meet the setback requirements for the main building shall meet the requirements of Subsection (A) (2) and (3) above and shall:

1. Be located entirely behind the main building.

2. Be no larger than ten percent (10%) of the actual lot area of said property.

3. Have a maximum wall height of ten feet (10') from the finished grade. The building height may be increased one foot (1') vertically for each additional one foot (1') of setback, beyond the minimum required, to a maximum wall height of sixteen feet (16') and a maximum ridge height of twenty-one feet (21').

4. Occupy no more than fifty percent (50%) of a required rear yard.

SECTION 5.9.002 – STANDARDS FOR ACCESSORY RESIDENTIAL UNITS

A. Occupancy. The primary residential structure must be owner occupied in order to permit an Accessory Residential Unit. The total number of individuals that reside in both units may not exceed the number that is allowed for a family.

B. Parking

1. No additional parking space is required for an accessory dwelling unit if it is created on a site with an existing house, attached house, or manufactured home and one abutting street has a paved width of at least twenty-eight feet (28').

2. One (1) additional parking space is required for an accessory dwelling unit:

a. When the abutting street(s) do not have a minimum paved width of twenty-eight feet (28'); or

b. When the accessory dwelling unit is created at the same time as the house, attached house, or manufactured home.

C. Design Standards

1. Accessory dwelling units created through the addition of floor area must meet the following:

   a. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the attached house or manufactured home.

   b. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.

   c. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the house, attached house, or manufactured home.

   d. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).

   e. Eaves must project from the building walls the same distance as the eaves on the rest of the attached house or manufactured home.

   f. Only one (1) entrance to the house may be located on the front facade of the house and the addition.

2. Detached accessory dwelling units must meet Subsections 1(b), (c) and (d) above.

D. Dimensional Standards

1. An attached accessory dwelling unit shall provide front, side, and rear setbacks that comply with the applicable zone.

2. A detached accessory dwelling unit shall provide side and rear setbacks which comply with the applicable zone and a front yard setback which is at least ten feet (10') greater than the existing dwelling.

3. The lot size of the property must be a minimum of seven thousand five hundred (7,500) square feet.

4. The size of an attached or detached accessory dwelling unit may be no more than thirty-three percent (33%) of the living area of the house, attached house, or manufactured home or eight hundred (800) square feet, whichever is less.

5. The maximum height allowed for an accessory dwelling unit shall:

   a. Meet the standard of the applicable zone for an attached unit; and,

   b. Twenty-five feet (25') for a detached unit.

CHAPTER 6 - PUBLIC FACILITIES STANDARDS

ARTICLE 6.1 - BASIC PROVISIONS

SECTION 6.1.001 - PURPOSE

The purpose of this Chapter is to establish standards for the design and development of sites in order to protect the public health, safety and welfare.

SECTION 6.1.002 – APPLICATION

A. The standards established in this Chapter shall apply to all development within the City of La Grande Urban Growth Boundary Area.

B. Except where otherwise specifically regulated by this Ordinance or other City Ordinances, the following transportation improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

2. Installation of culverts, medians, guardrails, and similar types of improvements within the existing right-of-way.

3. Projects specifically identified in the La Grande/Island City Transportation System Plan as not requiring further land use regulation.

4. Emergency measures necessary for the safety and protection of property.

5. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the La Grande/Island City Transportation System Plan except for those that are located in exclusive farm use or forest zones.

C. Except where otherwise specifically regulated by this Code, the following public improvements may be allowed subject to Article 8.5. - Conditional Use Permit review:

1. Installation of fencing, lighting, and similar types of improvements within the existing right-of-way, e.g. sound barrier fencing, pathway lighting, benches and exercise stations along pathways.

2. Installation of pathways outside of street rights-of-way, e.g. alleys and other non-street right-of-ways.

3. Landscaping as part of a transportation facility, e.g. landscaping medians.

D. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are not improvements designated in the La Grande/ Island City Transportation System Plan or not designed and constructed as part of a Subdivision or Planned Unit Development subject to Site Plan and/or Conditional Use Permit review, shall require an

amendment to the La Grande/ Island City Transportation System Plan and applicable standards. Amendments to the La Grande/Island City Transportation System Plan shall be reviewed according to the Comprehensive Plan Document Amendment provisions in Article 8.9 and in coordination with Island City, Union County, and the Oregon Department of Transportation.

SECTION 6.1.003 - IMPROVEMENT PROCEDURES

The improvements required by this chapter shall conform to the requirements of this Code, the City of La Grande Standard Drawings and Specifications, in the City of La Grande Standards, Specifications and Guidelines Manual, as it may be revised, and other improvement standards adopted by the City, and shall be in accordance with the following procedures:

A. Work shall not commence until the plans and specifications have been reviewed for adequacy and approved by the City Engineer or designated City official and appropriate State agencies. To the extent necessary for evaluation of the partition or subdivision proposal, the plans and specifications shall be required before approval of the final map or plat.

B. Work shall not commence until the City Engineer or designated City official has been notified.

C. Required improvements shall be constructed in accordance with specifications as set forth by the City Engineer or designated City official, and inspected for conformance. The City may require changes in typical sections and details if unusual conditions arise during construction which warrant such changes initiated by the developer, must be reviewed with and approved by the City Engineer or designated City official.

D. Engineering standards of all design work shall be submitted to and approved by the City Engineer or designated City official before construction begins. Changes in plans must be reviewed with the design engineer and approved by the City Engineer or designated City official, and final inspection and approval of the completed improvements shall be made by the City Engineer or his authorized representative before the improvements are accepted and performance assurance released. Prior to the final inspection, the developer shall furnish a Certificate of Completion prepared by a professional Civil Engineer. No Building Permits shall be issued until the provisions of this Section are satisfied.

E. In addition to the requirements set forth in this Code, the City will utilize the American Public Works Association (APWA) Standard Specifications and ASTM Standards as a guideline to establish minimum standards.

SECTION 6.1.004 - STANDARDS PROVIDED

This Chapter provides standards for the following:

Vehicular Access and Circulation - Article 6.2

Street Trees, Curbs, Gutters and Sidewalks - Article 6.3

Street Names, Numbers and Signs - Article 6.4

Site Drainage and Grading - Article 6.5

Public Street Standards - Article 6.6

Public Water System - Article 6.7

Public Wastewater and Storm Water Collection System - Article 6.8

Utilities - Article 6.9

Solid Waste - Article 6.10

ARTICLE 6.2 - VEHICULAR ACCESS AND CIRCULATION

SECTION 6.2.001 - PURPOSE

The purpose of these standards is to ensure safe ingress or egress to and from properties; to minimize street congestion and traffic hazards; to provide safe and convenient access to business, public services, and places of public assembly; and to make the appearance of vehicular circulation more compatible with surrounding land uses.

SECTION 6.2.002 - ACCESS STANDARDS FOR PROPOSED SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT

A. City Engineer or Authorized City Official Approval - Access to property fronting upon a city or public road shall be subject to the approval of the City Engineer, or his designee.

B. Vehicular Access - Vehicular access shall be provided to all lots from a dedicated street. Developments fronting on an arterial may be required to provide a frontage or service road.

C. State Highway Division Approval - Access to property fronting upon a State highway shall be subject to the approval of the State Highway Division.

SECTION 6.2.003 - GENERAL STREET DESIGN CRITERIA AND STANDARDS

The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All street improvements shall be designed and constructed in accordance with the City of La Grande Standard Drawings and Specifications, in the City of La Grande Standards, Specifications and Guidelines Manual, as it may be revised.

SECTION 6.2.004 - MINIMUM STREET RIGHT-OF-WAY WIDTHS

Unless otherwise indicated on an official circulation plan, the minimum width of rights-of-way and street improvements shall be in compliance with the following table:

A. Cul-de-sac Streets - A right-of-way width of not less than one hundred thirty feet (130'), with improvements in accordance with the standards of this Code.

B. Alleys - A right-of-way width of not less than twenty feet (20'), with improvements in accordance with standards and specifications of this Code.

C. When necessary for street construction on a side hill situation, the right-of-way needs shall be expanded as necessary.

D. When street design widths have been reduced by the elimination of parking on one (1) or both sides, and when adequate off-street parking is provided, the right-of-way width may be reduced by a similar amount rounded to the nearest five feet (5').

TABLE 1
STREET STANDARDS

Functional Classification	ADT Volume	Speed (mph)	# of Travel Lanes	Travel Lane Width	Turn Lane or Median Width	Bike Lanes	Min. Bike Lane Width	On-Street parking	Sidewalks	Min. Sidewalk Width	Planting Strip Width[1]	Total Paved Width[2]	Total ROW Width[3]	Private Access Spacing
Downtown Arterial[5]	10,000	20	2-3	11'	11'			both sides	required	12'	3'6"[6]	49'	80'	200'
Arterial	10,000	40-55	2-5	12'	4-14'	optional[4]	5'	none	required	5'	8'	36'-72'	80'-102'	200' - 400'
Major Collector	2,000 - 10,000	25-45	2-3	11'	12'	required	5'	one or both sides	required	5'	8'	52'-60'	62'-90'	150' - 300'
Minor Collector	1,000 - 2,000	25-35	2	11'	none	optional[7]	5'	one or both sides	required	5'	8'	30'-48'	60'-78'	75' - 150'
Local Street	0 - 1,000	15-25	2	10'	none	none	none	one or both sides	required	5'	8'	28'-36'	40'-66'	Each Lot

[1]A portion of the required planting strip width may be used instead as additional sidewalk width or reduced right of way, as appropriate.

[2]The minimum of the paved width was calculated with the following assumptions:

Arterials: Two (2) travel lanes, four foot (4') median divider, no center turn lane, no bike lanes.

Major Collectors: Two (2) travel lanes, two (2) bike lanes, no center turn lane, parking on one (1) side.

Minor Collectors: Two (2) travel lanes, parking on one (1) side of street, no bike lanes.

Local Streets: Two (2) travel lanes, parking on one (1) side of street.

The maximum paved width for each street was calculated assuming the inclusion of all required and optional facilities. Minimum paved widths for each street are as required in Section 6.2.005 of this Code. [Ord: 3006, Feb. 5, 2003]

[3]These right-of-way width ranges are for new streets.

[4]Bike lanes should be provided on Arterials unless more desirable parallel facilities are designated and designed to accommodate bicycles.

amendments) and FEMA (Flood

SECTION 6.2.005 - MINIMUM STREET IMPROVEMENTS

The following street improvements shall be required for development and shall be provided at the expense of the developer:

A. Arterial Streets - Arterial streets shall be improved with street trees, curbs, gutters, storm water collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 1 in Section 6.2.004, of this Code. Supplementary street design guidelines are set forth in the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. Sidewalks shall be installed on both sides.

B. Collector Streets - Collector streets shall be improved with street trees, curbs, gutters, storm water collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 1 in Section 6.2.004, of this Code. Supplementary street design guidelines are set forth in the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. Sidewalks shall be installed on both sides.

C. Local Streets - Local streets shall be improved with street trees, curbs, gutters, storm water collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 1 in Section 6.2.004, of this Code. Supplementary street design guidelines are set forth in the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. Sidewalks shall be installed on both sides.

D. Private Streets - Private streets shall be improved to a minimum standard that includes a storm water collection system, gravel shoulders and a paved surface. The typical street section shall be approved by the Public Works Department Director or designee. [Ord. 3047, July 12, 2006]

E. Elimination of parking, reduction of improved street width.

1. Existing Platted Streets
   When the right-of-way for any previously platted street is less than that specified above, the improved street width may be reduced through the elimination of parking on one (1) or both sides, or by other means approved by the Planning Commission. This provision would apply when existing improvements prohibit the acquisition of necessary additional right-of-way, and adequate off-street parking is provided.

2. New Developments
   In special instances, strict application of the requirements of this Section may not be necessary, when provisions are made during development for adequate off-street parking. In such cases, on-street parking may be eliminated to allow for reduced pavement width. Privately maintained streets may allow for a reduction in street width required in the above Sections. Typical examples of development where this Section might apply are industrial parks, planned unit development, or a high density housing project.

F. In no case will the widths of newly constructed streets be less than:

1. Parking on One Side
   a. Arterial – Thirty-six feet (36') curb to curb.

   b. Collector - Thirty feet (30') curb to curb.

   c. Local - Twenty-eight feet (28') curb to curb.

2. No Parking Either Side
   a. Arterial - Thirty feet (30') curb to curb.

   b. Collector - Twenty-eight feet (28') curb to curb.

   c. Local - Twenty-four feet (24') curb to curb.

3. Private Streets – No Parking and Parking on One Side
   a. Private – Twenty-eight feet (28') with two feet (2') wide gravel shoulders. [Ord. 3047, July 12, 2006]

SECTION 6.2.006 - STREET ALIGNMENT

All streets, as far as practical, shall be in alignment with existing streets by prolongation of the center line or by connection with suitable curves. The offsetting alignments resulting in "T" intersections shall, where practical, provide minimum distance of two hundred feet (200') between points of intersections, when having approximately the same direction and otherwise shall not be less than one hundred feet (100') in separation.

SECTION 6.2.007 - STREET INTERSECTION ANGLES

Streets shall be laid out so as to intersect at any angle as near to a right angle as practical, except where topography requires a lesser angle, but in no case less than sixty degrees (60°) unless there is special intersection design. Streets shall have at least fifty feet (50') of tangent adjacent to the intersection. Streets which intersect at an angle of seventy degrees (70°) or less, shall have a minimum corner radius of twenty feet (20') along the right-of-way lines of the acute angle. Right-of-way lines at intersections with collector or arterial streets shall have a corner radius of not less than twenty feet (20').

SECTION 6.2.008 - STREET GRADES AND CURVES

Grades shall not exceed six percent (6%) on major or arterial street, ten percent (10%) on collector streets, and twelve percent (12%) on all other streets. The Planning Commission may allow steeper grades, through a Variance Permit procedure, after consideration of on-site fire protection systems as specified in Section 1001.9 of the Uniform Fire Code. No exceptions will be made for grades in excess of fifteen percent (15%). Center line radii of curves shall be not less than three hundred feet (300') on major or arterial streets, two hundred feet (200') on collector streets, and one hundred feet (100') on all other streets.

SECTION 6.2.009 - CUL-DE-SACS

A. A cul-de-sac shall be not more than five hundred feet (500') long. All cul-de-sacs shall terminate with a circular turnaround having a minimum curb-to-curb diameter of not less than one hundred feet (100'). The length of the cul-de-sac shall be measured from the center of the right-of-way of the closest intersecting through street to the center of the cul-de-sac bulb. [Ord. 3047, July 12, 2006]

B. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this subsection exist. When cul-de-sacs are justified, pedestrian ways shall be provided to connect with another street, greenway, school or similar destination unless one or more of the circumstances listed in this subsection exist.

1. Physical or topographic conditions make a street or walkway connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not reasonably be provided.

2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.

3. Where streets or accessways would violate provisions of leases, easements or similar restrictions.

4. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

5. Where through streets cannot be achieved by an alternative development design.

SECTION 6.2.010 - EXISTING STREETS

Whenever existing streets, whether adjacent to or within a development, are of inadequate width, the additional necessary right-of-way within the development boundary shall be provided at the time of the land division.

SECTION 6.2.011 - RESERVE STRIPS

Reserve strips or street plugs dedicated to the City of La Grande and controlling the access to a street may be required, when necessary to:

A. Prevent access to the street on the side where additional width is required to meet the minimum right-of-way standards;

B. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern, and the orderly development of land lying beyond the street; or,

C. Prevent the uncontrolled development of land.

SECTION 6.2.012 - FUTURE EXTENSIONS OF STREETS

When necessary to give access to, or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the development and the resulting dead end street may be approved without a turnaround. Reserve strips and street plugs may be required to ensure the objectives of street extensions.

SECTION 6.2.013 - HALF STREETS

Half streets, while generally not acceptable may be approved where essential for reasonable development when in conformity with the requirements of this Code, and when possible to require the dedication of the other half when the adjoining property is developed. The pavement width of a half street shall be one half of the width required by Table 1 of Section 6.2.004 of this Code, plus seven feet (7'). Whenever an existing half street is adjacent to land to be developed, the remaining half of the street shall

be dedicated within such development. Reserve strips and street plugs may be required to insure the objectives of obtaining fully width streets.

SECTION 6.2.014 - STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY

Wherever a proposed development contains, or is adjacent to, a railroad right-of-way, provision shall be made for a street approximately parallel to, and on each side of, such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

SECTION 6.2.015 - MARGINAL ACCESS STREETS

Where a development abuts or contains an existing or proposed arterial street, marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reserved area along the rear of side property line, or other treatment necessary for adequate protection of residential properties and for separation of through and local traffic may be required.

SECTION 6.2.016 - BLOCKS

A. General - The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of topographic conditions.

B. Sizes - Blocks shall not exceed five hundred feet (500') in length, except blocks within commercial and industrial subdivisions and blocks adjacent to arterial streets, or unless the previous adjacent layout or topographical conditions justify a variation. [Ord. 3047, July 12, 2006]

SECTION 6.2.017 - DRIVEWAY OR ACCESS PERMITS

Prior to the construction of any driveway or road which connects with a City street or State highway, a Right-Of-Way Permit shall be obtained from the Public Works Department/Engineering Division or State Highway Department. Such permit shall be issued subject to the conditions specified therein.

SECTION 6.2.018 - UTILITIES IN STREETS RIGHTS-OF-WAY

Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or partitioner shall be constructed prior to the surfacing of the streets in a predetermined location approved by the City Engineer or designated City official. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length that will obviate the necessity of street cuts when service connections are made.

SECTION 6.2.019 – ALLEY ACCESS

Within the Central Business Zone, alleys may be used as a primary access to a business.

SECTION 6.2.020 – ACCESS MANAGEMENT GUIDELINES

A. General

1. The intent of this section is to:

a. Implement the Access Management Policies of the City of La Grande as set forth in the La Grande/Island City Transportation System Plan; and,

b. Manage access to land development to preserve the transportation system in terms of safety, capacity, and function; and,

c. Reduce substandard access improvements over time by applying the provisions of this section when new development or major redevelopment occurs which will increase traffic generated from the site; when a safety or capacity deficiency requires specific mitigation; or when a street is reconstructed.

2. Unless otherwise noted, the provisions of this section shall apply to all arterials and collectors within the City of La Grande and to all properties that abut these roadways.

3. The guidelines in this section shall be satisfied unless a waiver is justified as provided in Subsection 6.2.020(E).

B. General Access Management Guidelines

The Access Management Guidelines contained in the table below shall be satisfied for new or reconstructed collector and local streets and driveways. Access Management Standards for State Highways are included in Appendix C of the 1999 Oregon Highway Plan and successor standards adopted by the Oregon Transportation Commission. This Appendix is adopted by reference as a part hereof as if fully set forth herein. Within the La Grande City Limits and Urban Growth Boundary, U.S. Highway 30/Oregon Highway 203 and Oregon Highway 82 (Island Avenue west of Interstate 84) are classified as District Highways. Oregon Highway 82 (Island Avenue east of Interstate 84) is classified as a Statewide Highway. [Ord. 3006, Feb. 5, 2003]

TABLE 2 – GENERAL ACCESS MANAGEMENT GUIDELINES

[Ord. 3006, Feb. 5, 2003]

	Intersection			
	Public Road		Private Drive	
Functional Classification	Type	Spacing	Type	Spacing
Arterial[1]				
Collector	At grade	300 feet	Left/Right Turns	75 - 150 feet
Local	At grade	250 feet	Left/Right Turns	Each lot

[1] Refer to 1999 Oregon Highway Plan Appendix C: Access Management Standards

C. Access Design Guidelines

1. Corner Clearance

a. Corner clearance for access connections shall meet or exceed the minimum spacing requirements for that roadway (Table 2).

b. Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (e.g. right in/out, right in only, or right out only) may be required.

2. Joint and Cross Access

a. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

b. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

2. A design speed of 10 mph and a maximum width of twenty feet (20') to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and,

4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

c. Shared parking areas shall be permitted and a reduction in required parking spaces if peak demands do not occur at the same time periods.

d. 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 will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway; and,

3. Record a Joint Maintenance Agreement with the deed defining maintenance responsibilities of property owners.

e. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided in accordance with this section.

2. The Site Plan incorporates a unified access and circulation system in accordance with this section.

3. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

3. Access Connection and Driveway Design

a. Driveways shall meet the following standards: [Ord. 3006, Feb. 5, 2003]

1. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of ten feet (10') and shall have appropriate signage designating the driveway as a one way connection.

2. For two-way access, each lane shall have a minimum width of ten feet (10').

b. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

c. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

4. Nonconforming Access Features

Legal access connections in place as of September 18, 1999, that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

a. When new access connection permits are requested; or, [Ord. 2989, Dec. 5, 2001]

b. Change in use or enlargements or improvements that will increase trip generation.

5. Reverse Frontage

a. Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

b. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the City of La Grande and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

6. Shared Access

Subdivisions with frontage on an arterial shall be designed into shared access points to and from the street. Normally, a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, access should not be allowed onto the arterial. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the arterial street access.

7. Connectivity

a. 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. To ensure continuation of the existing street grid and a pedestrian-friendly scale of the city blocks, block lengths shall be a maximum of three hundred feet (300') and block perimeters shall be a maximum of one thousand two hundred feet (1,200').

b. 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 abutting properties or 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 Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

c. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic-calming measures are the preferred means of discouraging through traffic.

D. Traffic Study

For proposed development which is anticipated to generate more than four hundred (400) average daily motor vehicle trips (ADTs), the City may require the applicant to provide adequate information, such as a Traffic Impact Study or traffic counts to demonstrate the level of impact to the surrounding street system. The applicant shall be required to mitigate negative impacts attributable to the development.

E. Waivers to Access Management Guidelines

The Planning Commission may modify or waive the requirements of this Section when Subsections 1, 2, and 3 below are satisfied.

1. Applicant has provided proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that one or more of the following circumstances exist:

   a. Indirect or restricted access cannot be obtained;

   b. No engineering or construction solutions can be applied to mitigate the condition;

   c. The characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical; and,

   d. No alternative access is available from a street with a lower functional classification than the primary roadway.

2. The access hardship leading to the waiver request is not self-created.

3. The granting of the waiver shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

ARTICLE 6.3 – STREET TREES, CURBS, GUTTERS, AND SIDEWALKS

SECTION 6.3.001 - PEDESTRIAN WAYS

When necessary for public convenience and safety, pedestrian ways ten feet (10') in width to permit access to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, recreation, or other public or private areas, may be required. Pedestrian ways shall be of such design and location as reasonably required to facilitate pedestrian travel, and shall be dedicated to the public.

SECTION 6.3.002 – STREET TREES, CURBS, GUTTERS, AND SIDEWALKS

Development shall include installations of street trees, curb, gutters, and sidewalks as set forth in this Article.

SECTION 6.3.003 - REQUIREMENTS FOR SIDEWALKS AND STREET TREES

A. Residential Development

Sidewalks shall be required for all new development on both sides of the street and shall be constructed in accordance with the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. Street trees shall be required for all new development according to spacing and locations as approved by the Community Development Director/Planner. Sidewalks and street trees shall be required for additions or series of additions to any residential structure valued in excess of thirty percent (30%) of the most recent assessed value of the structure. Sidewalks and street trees shall be required for reconstruction of a residential casualty loss in excess of one hundred thirty percent (130%) of the most recent assessed value of the structure. If sidewalks do not exist adjacent to or within three hundred feet (300') of the subject property (measured along the same side of the street), an irrevocable consent to participate in a future Local Improvement District may be substituted for immediate improvements. [Ord. 3047, July 12, 2006]

B. Commercial and Civic Development

Sidewalks are required for all new commercial and civic development on both sides of the street. The sidewalks shall be constructed to conform to the width of other sidewalks in the general area, and in accordance with the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. Street trees are required for all new commercial development according to spacing and locations as approved by the Community Development Director/Planner. Sidewalks and street trees shall be required for additions or series of additions to any commercial or civic structure valued in excess of thirty percent (30%) of the most recent assessed value of the structure. Sidewalks and street trees shall also be required for reconstruction of a commercial or civic casualty loss in excess of one hundred fifteen percent (115%) of the most recent assessed value of the structure. If sidewalks do not exist adjacent to or within three hundred feet (300') of the subject property (measured along the same side of the street), an irrevocable consent to participate in a future Local Improvement District may be substituted for immediate improvements. [Ord. 3047, July 12, 2006]

C. Industrial Development

Sidewalks are required for all new industrial development on both sides of the street. Sidewalks shall be not less than five feet (5') wide and constructed in accordance with the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it

may be revised. Street trees are required for all new industrial development according to spacing and locations as approved by the Community Development Director/Planner. Sidewalks and street trees shall be required for additions or series of additions to any industrial structure valued in excess of thirty percent (30%) of the most recent assessed value of the structure. Street trees and sidewalks shall also be required for reconstruction of an industrial casualty loss in excess of one hundred and fifteen percent (115%) of the most recent assessed value of the structure. If sidewalks do not exist adjacent to or within three hundred feet (300') of the subject property (measured along the same side of the street), an irrevocable consent to participate in a future Local Improvement District may be substituted for immediate improvements.

SECTION 6.3.004 - DESIGN AND CONSTRUCTION STANDARDS

Curb, gutter, and sidewalk improvements are to be designed and constructed in accordance with standards established in the City of La Grande Standards, Specifications and Guidelines Manual, adopted August 18, 1999, as it may be revised. All necessary grading and construction is to occur at the expense of the developer, with the appropriate permits obtained through the Public Works Department/Engineering Division. When a developer installs new curbing within a public street, the developer shall be responsible for extending the existing street pavement to the new curb line. [Ord. 3006, Feb. 5, 2003]

ARTICLE 6.4 - STREET NAMES, NUMBERS AND SIGNS

SECTION 6.4.001 - STREET NAMES AND NUMBERS

Except for extensions of existing streets, no street names shall be used which will duplicate or resemble the names of existing streets in La Grande. Street names and numbers shall conform to the established pattern in the City, and shall be subject to the approval of the Community Development Department/Planning Division.

SECTION 6.4.002 - STREET SIGNS

The developer shall deposit funds with the City, as determined by the City Engineer or designated City official, to be sufficient to cover both the cost of street signs and installation. The street signs shall then be installed to City standards.

ARTICLE 6.5 - SITE DRAINAGE AND GRADING

SECTION 6.5.001 - PURPOSE

Standards for site drainage and grading provide for the design of projects so as to minimize the harmful effects of storm water runoff, and resultant inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new development.

SECTION 6.5.002 - DRAINAGE AND GRADING PLAN REQUIREMENTS

Drainage and Grading plans shall be required for any new development which:

A. Involves a land disturbance through grading on lands consisting of average slopes in excess of twenty-five percent (25%);

B. Involves a land disturbance through either grading or paving amounting to more than ten thousand (10,000) square feet;

C. Will result in an impervious surface of more than five thousand (5,000) square feet;

D. Is subject to local ponding due to soil conditions and lack of identified drainage channels; or,

E. Is located in an area identified by the City Engineer or designated City official, as having a history of flooding, which may be further aggravated by the project or is within a flood hazard area.

SECTION 6.5.003 - DRAINAGE AND GRADING PLAN PREPARATION

Drainage and grading plans are to be neatly and accurately drawn, at an appropriate scale which will enable ready identification and recognition of submitted information. The City Engineer or designated City official may require drainage and grading plans to be prepared by a Registered Civil Engineer.

A. Basic Drainage and Grading Plan Contents - A drainage and grading plan is to include the following information about the site:

1. Flow lines of surface waters onto and off the site.

2. Existing and proposed contours at two foot (2') intervals.

3. Building corner and street elevations, existing and proposed.

4. Existing and proposed retaining walls.

5. Existing and proposed drainage channels, including drainage swales, ditches, and berms.

6. Location and design of any proposed facilities for storage, or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, detention storm drains, and drop inlets.

7. Estimates of existing and increased runoff resulting from the proposed improvements.

8. Estimated cuts and fills for all material to be moved or imported, for amounts over five hundred (500) cubic yards must be submitted with the Site Plan or Building Permit where Site Plan review is not required.

9. In Geological Hazard Areas as defined in Article 3.4 of the Land Development Code, a geotechnical engineer's evaluation of the Grading and Drainage Plan and recommendations contained therein may be required by the Community Development Director/Planner.

10. Grading and Drainage Plans must show the location of all improvements proposed in the City Wide Surface Water Master Plan and provide for reservations of land for all proposed storm water improvements. No construction shall be allowed within these reservation areas.

11. Where improvements shown on the City Wide Surface Water Master Plan have not been installed to serve a drainage area, all Grading and Drainage Plans must indicate how these improvements will be installed or show on-site storm water retention and disposal that will ensure that downstream flows will not increase after development of the property.

B. Engineered Drainage and Grading Plan Content - Engineered drainage and grading plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in additions to the information required by Subsection A of this Section.

SECTION 6.5.004 - DRAINAGE AND GRADING PLAN REVIEW AND APPROVAL

During Site Plan Review, the City Engineer or designated City official will review each drainage and grading plan for adequacy. Drainage and grading plans shall be approved by the City Engineer or designated City official, where required, to assure that the project will not result in inundation and erosion on the site, nor create any drainage or grading problems for neighboring or downstream properties.

SECTION 6.5.005 - INSPECTION AND COMPLETION

Where required by the City Engineer or designated City official, an Inspection Agreement is to be entered into, and the drainage facilities inspected and approved prior to approval on the final inspection of a Building Permit.

SECTION 6.5.006 - DRAINAGE SYSTEM STANDARDS

Drainage systems and facilities subject to drainage and grading plan review and approval, are to be designed and constructed as required by the City Engineer or designated City official.

ARTICLE 6.6 - PUBLIC STREET STANDARDS

SECTION 6.6.001 - PURPOSE

Upon the request of the La Grande City Council, a variety of street design standards have been reviewed and are now incorporated in the Land Development Code.

SECTION 6.6.002 - CLASS I IMPROVEMENT STANDARDS

This classification will cover those streets that are designed to meet the standards for an expected life of twenty (20) years or more. The attached drawings shall be the minimum standard for those streets in this classification. All streets designated as Federal Aid Urban Streets (F.A.U.) shall be constructed under these design standards. Streets in this designation shall be constructed with sidewalks when at all possible in an effort to increase pedestrian safety. Collector streets are designed to withstand normal trucks of an HS 20 loading. Larger trucks are to utilize Arterial streets where at all possible. This level of development shall be the ultimate goal for all streets within the City of La Grande.

Possible means of financing available for this Class shall be methods A, B, C, D, E, F, G, and H.

A. Advantages
   1. The construction life is extended to a period above other City standards.
   2. The visible aesthetics in relationship to having curbs and a blacktop surface with landscaping or concrete driveways and a sidewalk is generally appealing to the public.
   3. Easy maintenance for the Public Works Department for cleaning and minor repair.
   4. Storm sewer drainage is confined within the bounds of the curbs during minor flooding periods.
   5. Parking is restricted to a solid barrier, that being the curb; this restricts parking in the area on the back side of the curb and confines travel to the street surface.
   6. Defined areas for possible cross walks, signs, power poles, and other utilities that are restricted to the outside areas behind the curbs.
   7. It allows for a wide range of financing methods and is to City standards for a ten (10) year Bancroft bonding.
   8. Provides a dust free surface.

B. Disadvantages
   1. The extreme high level of cost that is incurred with this type of development.

SECTION 6.6.003 - CLASS II IMPROVEMENT LEVEL

Streets constructed in this classification shall be constructed to the same standards as Class I Streets with the exception of the form of drainage system. These streets shall meet the standards as shown on the attached drawing. This level of construction shall be only utilized in substitution for Class I Streets

when it is determined by the City Council at the recommendation of the City Engineer or Engineering Superintendent, that an adequate drainage system cannot be installed for a Class I Street.

Factors for consideration of the class of construction will be, but not limited to: Cost, maintenance, hydrology, adverse weather conditions, or geographic location and soil types.

Parking in this Class shall be restricted to the asphalt surface and discouraged from any vehicular use of the street shoulder. This method shall be used with extreme scrutiny. Streets under this Classification are expected to have a twenty (20) year life with minimal maintenance.

Possible means of financing available for this Class shall be methods B, C, D, E, F, G, and H.

A. Advantages
   1. The surface level of the street is constructed to maintain a twenty (20) year life.
   2. It allows for on-site drainage within the right-of-way.
   3. Two (2) travel and parking lanes are provided under the thirty-six foot (36') wide or wider design.
   4. It can be utilized with or without sidewalks without adverse effects on the drainage system.
   5. It allows for a wide range of financing methods and is to City standards for a ten (10) year Bancroft bonding.
   6. Provides a dust free surface.

B. Disadvantages
   1. Cars have a tendency to utilize the french drain system for parking which plugs the drainage system.
   2. There is not a defined area for street cleaning or snow plowing.
   3. The initial cost for the project is fairly high but is reduced from the Class I improvement level.
   4. Surface water flow is not restricted to the street surface during low level flooding periods.
   5. This improvement level cannot be constructed within certain soil classifications due to poor subsurface drainage.

SECTION 6.6.004 - CLASS III IMPROVEMENT LEVEL

Streets developed to this classification shall be constructed at a service level to expect a five (5) year life with minimal maintenance. They shall be constructed to the standard as indicated on the attached drawing. This construction class does not require storm sewer development. A minimum of base material will be utilized to develop a street crown.

This Class of street should only be done when a large enough project has been developed to fully use a full load of liquid asphaltic concrete oil. These projects should be constructed during the months of June, July, and August.

With a street development of this Class, property owners would be required to monetarily support any repairs or maintenance after the five (5) year life expectancy.

Possible means of financing available for this Class shall be methods C, D, E, F, G, and H.

A. Advantages
   1. A reduced cost.
   2. Provides a dust free surface.
   3. A fairly wide range of financing methods.
   4. An easy construction method with a minimal base.

B. Disadvantages
   1. The surface level of the street is constructed to maintain a maximum five (5) year life expectancy.
   2. Does not apply for F.A.U. funding.
   3. There is no drainage system allowed for in the design of this level.
   4. Street maintenance is increased.
   5. Does not have a defined area for street cleaning or snow plowing.
   6. No defined low level flood water runoff is allowed for.

SECTION 6.6.005 - CLASS IV IMPROVEMENT LEVEL

This level is intended to be used only for the purpose of dust control. Because of the quality of the different products that can be used for this purpose, the effective life expectancy can range from two (2) months to twelve (12) months. Because of this, no warranties are being implied or offered. Only existing gravel streets will receive this treatment. Prior to the actual application, the Public Works Department will review the street to determine the necessary level of repair. Actual work will be done generally within a one (1) week period after review.

When needed, base rock and/or blading will be done to facilitate the project as determined by the Public Works Department. A minimum of one (1) block or its equivalent, three hundred feet (300'), will be the acceptable project length. This level of service will be divided into divisions due in the most part to the wide range of application methods.

Level I - Heavy Oils and Asphalt Emulsions

These are sold under a variety of product names including DO-4, DO-5, DO-6, DO-8, and CSS-1. The DO products are heavy virgin oil products similar to bunker fuel; while CSS-1 is an asphaltic emulsion.

Level II - Sodium Lignin Sulfate

This forestry by-product contains lignin and sugar that act as "glue" to hold dust particles together and to fill small spaces between particles. Care must be taken to grade the road so that water does not stand on the road surface causing the lignin and sugar to leach away.

Level III - Oil Water Emulsion

This emulsion is mixed with water on a four to one (4:1) to ten to one (10:1) basis depending on surface qualities. Under average conditions, a four to one (4:1) dilution applied at one and one-half (1½) gallons per square yard will suffice. The first application should be good for approximately three (3) months depending on the amount of traffic use.

Level IV - Magnesium Chloride

This is a salt product that allows the surface of the road to maintain moisture and to bind particles together. It should not be used on previously oiled surfaces, and it may cause slight damage to vegetation within a few feet of treated roads.

Possible means of financing available for this Class shall be methods C and H.

A. Advantages
   1. The cost per property line foot is low.
   2. Ease of application
   3. Utilized for dust abatement only.

B. Disadvantages
   1. Minimal life expectancy of two (2) months.

SECTION 6.6.006 - FINANCING METHODS

A. Federal Aid Urban Funds (F.A.U.)

Only those streets recognized by the U.S. Department of Transportation Federal Highway Administration will qualify for these funds. The dispersement of these funds shall be regulated by the following:

1. Availability
2. Federal Highway Administration approval
3. Oregon Department of Transportation approval
4. Through guidance of the City Council

B. Local Improvement District (L.I.D.)

Property owners petition the City of La Grande to review the necessary work and cost. Procedure for acceptable L.I.D. projects shall comply with the guideline procedures set forth in Ordinance Number 2638, Series 1981. The City Council may elect to participate, upon the availability of funds, up to fifty percent (50%) of the cost. The property owner may elect to:

1. Bancroft Bond these improvements over a ten (10) year period
2. Seek other financing
3. Make full payment for those fees assessed to that property.

C. Cash Payment

Property owners may elect to pay one hundred percent (100%) of the improvement cost to the City at the time it becomes payable. If the property owners elect to utilize financing other than Bancroft bonding, via private lending institutions, it shall be treated as a cash payment. Typical forms of cash payment may be, but are not limited to the following:

1. Bank loan
2. Senior Citizen Deferred Payment Plan through the State of Oregon
3. Personal funds
4. Grant qualifying money
5. Other applicable methods

D. City Offered Financing

This form of financing shall be offered to the property owners at a rate not to exceed twelve percent (12%) per annum. The City's participation shall be limited to availability of funds as determined by the City Council. The maximum term for City financing shall not exceed five (5) years.

E. Bicycle Grant Funds

Streets designated by the La Grande Transportation Plan as being a bikeway path shall qualify for grant funds. These funds shall be limited to those established through the State apportionment levels. These funds have traditionally been utilized from collected gasoline taxes.

F. Gasoline Tax

These funds will be utilized almost exclusively for the purpose of maintaining City streets with the exception of those funds designated for bicycle path expenditures. These funds are to be expended under the supervision of the Public Works Director.

G. Street User Fees

These funds are for the maintenance of existing paved streets as outlined by Ordinance Number 2708, Series 1985, and levied at the rate as established in Resolution Number 3941, Series 1985. These funds shall be expended under the supervision of the City Council at the recommendation of the City Public Works Department/Engineering Division to determine the annual projects and level of service.

H. City Assisted Funding

When possible, the City may participate with the costs of improvement. This participation level will be dependent upon available budgeting and utilized at the discretion of the City Council.

ARTICLE 6.7 - PUBLIC WATER SYSTEM

SECTION 6.7.001 - WATER SYSTEM IMPROVEMENTS

The following water system improvements shall be required for development, and shall be provided at the expense of the developer:

A. Water Mains

B. Water Service Lines and Meters

C. Hydrants

D. All Water System Appurtenances - Accessory to provide complete system.

SECTION 6.7.002 - SYSTEM STANDARDS

The materials and installation shall conform to City of La Grande Standards, Drawings, and Specifications, in the City of La Grande Standards, Specifications and Guidelines Manual, as it may be revised, and any other standards adopted by the City.

SECTION 6.7.003 - APPROVALS

The developer at its expense, shall obtain all necessary State approvals prior to the City approving plans and specifications.

SECTION 6.7.004 - AS-BUILT DRAWINGS

Upon completion of any expansion of the water system, the developer shall furnish to the City a set of "As-Built" drawings prepared by a licensed Civil Engineer, acceptable by the City Public Works Department/Engineering Division.

ARTICLE 6.8 - PUBLIC WASTEWATER AND STORM WATER COLLECTION SYSTEM

SECTION 6.8.001 - WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

The following wastewater collection system improvements shall be required for development, and shall be provided at the expense of the developer:

A. Sewer Mains

B. Sewer Laterals

C. Manholes and Clean-Outs

D. All Wastewater Collection System Appurtenances - Accessory to provide complete system.

SECTION 6.8.002 - SYSTEM STANDARDS

The materials and installation shall conform to City of La Grande or the State of Oregon Standards, Drawings, and Specifications, in the City of La Grande Standards, Specifications and Guidelines Manual, as it may be revised, and any other standards adopted by the City.

SECTION 6.8.003 - APPROVALS

The developer at its expense, shall obtain all necessary State approvals prior to the City approving plans and specifications.

SECTION 6.8.004 - AS-BUILT DRAWINGS

Upon completion of any expansion of the wastewater collection system, the developer shall furnish to the City a set of "As-Built" drawings prepared by a licensed Civil Engineer, acceptable by the City Public Works Department/Engineering Division.

SECTION 6.8.005 - STORM WATER COLLECTION SYSTEM IMPROVEMENTS

The following storm water collection system improvements shall be required for development, and shall be provided at the expense of the developer:

A. Sewer Mains

B. Sewer Laterals

C. Manholes, Catch Basins, and Clean-Outs

D. All Storm Water Appurtenances - Accessory to provide complete system.

SECTION 6.8.006 - SYSTEM STANDARDS

The materials and installation shall conform to City of La Grande Standards, Drawings, and Specifications, in the City of La Grande Standards, Specifications and Guidelines Manual, as it may be revised, and any other standards adopted by the City.

SECTION 6.8.007 - APPROVALS

The developer at its expense, shall obtain all necessary State approvals prior to the City approving plans and specifications.

SECTION 6.8.008 - AS-BUILT DRAWINGS

Upon completion of any expansion of the storm water collection system, the developer shall furnish to the City a set of "As-Built" drawings prepared by a licensed Civil Engineer, acceptable by the City Public Works Department/Engineering Division.

ARTICLE 6.9 - UTILITIES

SECTION 6.9.001 - UTILITIES IN URBAN AREAS

All development shall have all on-site public utility service connections installed underground. This standard applies to electrical service connections between the power company distribution lines, and all proposed buildings on a site, and on-site connections between buildings, but does not apply to the public utility distribution service to the edge of the lot, except in an underground utility district. This section is not intended to apply to the construction of accessory residential structures on previously developed residential dwelling sites.

SECTION 6.9.002 - UTILITY EASEMENTS

Easements for sewers, storm drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. Easements shall be a minimum of sixteen feet (16') in width, and centered on rear or side lot lines.

ARTICLE 6.10 - SOLID WASTE

SECTION 6.10.001 - SOLID WASTE COLLECTION AND DISPOSAL

Except single-family and duplex dwellings, temporary uses, and other uses which do not create a need for solid waste pickup and disposal, an enclosed area for the temporary collection of solid waste prior to disposal truck pickup is to be provided, as required by this Article.

SECTION 6.10.002 - COLLECTION AREA STANDARDS

A. Location of Collection Facilities - The solid waste collection area is to be located within one hundred feet (100') of the dwellings or buildings served, but is not to be located in any front yard setback. The disposal unit shall be located on-site.

B. Enclosure Required - Solid waste collection areas which utilize dumpsters or other containers with a total capacity greater than two (2), thirty-three (33) gallon containers, are to be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than three feet (3') nor more than six feet (6') in height.

C. Enclosure Construction Standards

1. The floor or bottom surface of a solid waste collection area is to be of concrete or other impervious material.

2. The collection area is to have unobstructed vertical clearance for a minimum height of twenty-five feet (25').

3. Dumpster enclosures shall have a ten foot (10') unobstructed opening for container access. In the event this dimension conflicts with the site plan, the disposal company shall be contacted.

CHAPTER 7 – SYSTEM DEVELOPMENT CHARGES

ARTICLE 7.1 – PARK AND RECREATION IMPROVEMENTS

SECTION 7.1.001 – PARK AND RECREATION IMPROVEMENTS

The purpose of this Chapter is to establish System Development Charges (SDC's) pursuant to Oregon Revised Statutes Section 223.297. SDC's are fees charged to new residential development within the City of La Grande Urban Growth Boundary or within the City limits to fund a portion of parks and recreation improvements that are required as a result of increased development. Adequate funding for growth-related capital improvements is vital to maintain the City's level of service in parks and recreation facilities.

SECTION 7.1.002 - SCOPE OF REGULATIONS

A. Park and Recreation Improvement System Development Charges shall be required prior to the approval of the Final Plat by the Community Development Director/Planner for all persons seeking permit approvals to partition or subdivide land for residential development purposes; or prior to issuance of a Building Permit to construct a new dwelling unit within the City's Urban Growth Boundary or within the City limits as provided in this Article (7.1).

1. For all partition or subdivision activities resulting in the creation of individual building lots, payment of Park and Recreation Improvement System Development Charges shall be required prior to the approval of the Final Plat by the Community Development Director/Planner.

2. For all Building Permits to construct new dwellings, payment of Park and Recreation Improvement System Development charges shall be required prior to issuance of a Building Permit by the Building Official.

SECTION 7.1.003 - DETERMINATION OF SDC RATES

A. Fees will be assessed only on new residential development.

B. The level of service used to set the SDC rates cannot be higher than that currently provided to existing users of the service at the time the fee is levied.

C. Costs used in the SDC rates shall reflect the City of La Grande's costs as revised annually to reflect the costs for constructing current capital improvements.

D. The fee reflects a portion of the developer's equitable share or use of the park and recreation system for which the fee is set.

E. Credit may be given for certain improvements that reduce a development's impact on the park and recreation system capacity pursuant to Section 7.1.006 of this Article.

SECTION 7.1.004 – CALCULATING THE SDC CHARGE

A. The Park and Recreation SDC Fee shall be established by a rate-setting methodology that uses the measurable impact of a development and the current construction costs to set the fee, using

current dollar value (i.e., replacement costs) of land acquisition, design, site preparation, landscaping and construction of parks and recreation facilities.

B. The Park and Recreation SDC Fee shall be levied on a per capita capital investment cost based upon the value of the existing park and recreation improvements divided by the community's population according to the most recent State Governors' Office of Administration population estimate for the City of La Grande. This calculation yields the standard cost per capita.

CURRENT QUANTITY PER CAPITA	X	CURRENT COST PER FACILITY	=	STANDARD COST PER CAPITA

C. The standard cost charge per capita shall be multiplied by the average number of persons that occupy a residential dwelling unit to yield the SDC charge per dwelling unit.

STANDARD COST PER CAPITA	X	PERSONS PER DWELLING UNIT	=	SDC CHARGE

D. The SDC charge shall not exceed fifty percent (50%) of the standard cost per dwelling unit, and shall not exceed $1,000 for any dwelling unit.

SECTION 7.1.005 – EXEMPTIONS

The following development shall be exempt from payment of the Park and Recreation SDC:

A. Non-residential development.

B. Alterations, expansion, or replacement of an existing dwelling unit where no additional dwelling units are created.

C. The construction of accessory buildings or structures which will not create additional dwelling units and which do not create additional demands on the District's capital improvements.

D. The issuance of a permit for a manufactured dwelling on which applicable SDC's have previously been made as documented by receipts issued for such prior payment.

E. A residential unit applying for a Building Permit in a partition or subdivision where the Park and Recreation SDC was previously paid prior to the recordation of the Final Plat for the partition or subdivision.

SECTION 7.1.006 – CREDITS

A. The City shall grant a credit of up to one hundred percent (100%) against the Park and Recreation SDC imposed for the donation of land and/or the construction of any qualified public improvement. Qualified public improvements do not include those capital improvements which are required as a condition of development approval but which are not included in the list of capital improvements for which SDC revenues are designated in the Capital Improvements Plan.

B. Qualified Public Improvements

Prior to the issuance of a building or development permit (e.g., final plat), the applicant shall submit to the City Planner a proposed plan and estimate of cost for contributions of qualified public improvements. The proposed plan and estimate shall include:

1. Drawings and specifications for the proposed capital improvements;

2. A legal description of any land proposed to be donated and a written appraisal prepared by a qualified professional appraiser, jointly selected by the City and the applicant, and based upon comparable public improvements of similar property between unrelated parties in a bargaining transaction;

3. A list of the contemplated capital improvements contained within the plan;

4. An estimate of proposed construction costs certified by a professional architect or engineer;

5. A proposed time schedule for completion of the proposed plan.

C. Determination of Qualified Public Improvement

The Community Development Director/Planner shall determine if the proposed qualified public improvement is:

1. Required as a condition of residential development approval;

2. Identified in the Capital Improvements Plan; and

3. Either (a) not located on or contiguous to property that is the subject of residential development approval, or (b) located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

4. Upon determination that the proposed improvement is a Qualified Public Improvement and within ten (10) days of the request for such determination by an applicant the Community Development Director/Planner will notify the applicant in writing of the determination. If the proposed improvement is a Qualified Public Improvement the Community Development Director/Planner will schedule the matter for credit for a credit recommendation by the Parks and Recreation Advisory Commission, Planning Commission and final determination by the City Council, said recommendations and action to be scheduled for the next available meeting of each respective body.

D. Land Donation

Donation of land at a site designated for park use in the Comprehensive Plan shall be granted credit of up to one hundred percent (100%) of the Park and Recreation SDC fee, based upon the appraised value of the land dedicated to the City for park use.

1. The value of donated lands shall be based upon a written appraisal of fair market value by a qualified professional appraiser, jointly selected by the City and the applicant, based on comparable sales of similar property between unrelated parties in a bargaining transaction.

2. The cost of anticipated construction of qualified public improvements shall be based on cost estimates certified by a professional architect or engineer.

3. Preference will be given to land located in growth areas that fit the City's acquisition criteria for suitable park development.

E. Credit up to fifty percent (50%) of the required Park and Recreation SDC fee may be awarded by the City Council for a residential development that includes in the overall design private park or recreation improvements that reduce a development's impact on the park and recreation system capacity.

F. Review of a developer's request for credit against the required Park and Recreation SDC shall be subject to the recommendation of the Parks and Recreation Advisory Commission and Planning Commission and the approval of the City Council.

CHAPTER 8 - REVIEW PROCEDURES

ARTICLE 8.1 - BASIC PROVISIONS

SECTION 8.1.001 - PURPOSE

The purpose of this Chapter is to specify the various land use and development procedures provided by this Code, to describe the intent of each, and to establish the applicable procedures, including review procedures, and criteria.

SECTION 8.1.002 - TYPES OF APPLICATIONS

The land use and development applications provided by this Code are as follows:

A. Site Plan Approval and New Business Initiation Approval - Article 8.2. [Ord. 3006, Feb. 5, 2003]

B. Temporary Use Permit - Article 8.3.

C. Variance - Article 8.4.

D. Conditional Use Permit - Article 8.5.

E. Zone Designation Change - Article 8.6.

F. Comprehensive Plan Designation Change - Article 8.7.

G. Land Development Code Amendment - Article 8.8.

H. Comprehensive Plan Document Amendment - Article 8.9.

I. Vacations - Article 8.10.

J. Home Occupation – Article 8.11.

ARTICLE 8.2 - SITE PLAN AND NEW BUSINESS INITIATION APPROVAL

SECTION 8.2.001 - PURPOSE

The purpose of Site Plan Approval and New Business Initiation Permit is to ensure compliance with this Code and other applicable codes and Ordinances by the establishment of any use or development which is permitted by the land use zone. [Ord. 3006, Feb. 5, 2003]

Site Plan Approval is required of the following: The construction, alteration, addition, change of occupancy, or other site improvements for all apartment house, civic, commercial and industrial properties. Site Plans for new development shall be approved by the Community Development Department/Building Division with Community Development Department/Planning Division concurrence. [Ord. 2989, Dec. 5, 2001; Ord. 3006, Feb. 5, 2003]

A New Business Initiation Permit may be substituted for the Site Plan Approval for an existing structure where there is a change of ownership or occupancy, where the use remains the same and the anticipated investment in a single or phased remodeling or addition is equal to or less than thirty percent (30%) of the assessed value of the improvements. The Business Initiation Permit must be approved by the Community Development Director/Planner. [Ord. 3006, Feb. 5, 2003]

If Site Plan approval is sought for an addition, alteration or change of occupancy located on a site that does not comply with City on-site improvement standards, this Code does not require that the entire site be brought to City on-site improvement standards. However, at a minimum, ten percent (10%) of the cost of the building addition, remodeling or alteration shall be allocated to bringing on-site improvements into compliance with City standards unless such standards can be met at lesser cost. Off-site improvement requirements are set forth in Article 6.3 of this Code. [Ord. 3006, Feb. 5, 2003]

SECTION 8.2.002 - REVIEW PROCEDURE

Application for Site Plan Approval shall be subject to the Community Development Department/Planning Division Review Procedure. No Building Permit shall be issued until a Site Plan has been approved by the Community Development Director/Planner. Upon receiving Site Plan Approval, work must begin within one (1) year from the approval date, with the option of a one (1) year extension or the Site Plan Approval will be revoked.

SECTION 8.2.003 - REVIEW CRITERIA

A Site Plan shall be approved if the reviewing authority shall find that it satisfies all applicable requirements of this Code and other applicable codes and Ordinances.

SECTION 8.2.004 - PROCESSING

In the processing of Site Plan Approval, the following procedures shall be followed:

A. Initiation - Application for Site Plan Approval shall be initiated by the owner and/or the owner's authorized representative, for which Site Plan approval is sought.

B. Filing - Application for Site Plan Approval shall be filed on forms provided by the City Community Development Director/Planner, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. Fourteen (14) copies of the site plan drawing shall be submitted to the Community Development Department/Planning Division, for distribution to and review by the

Development Review Committee, along with the application and appropriate filing fee. The application shall be accompanied by any such information as listed on the application submittal checklist.

C. Filing Fee - There shall be a filing fee set by the City Council, by resolution, to defray the costs incidental to the review process.

D. The Community Development Director/Planner shall have ten (10) working days in order to determine if an application is complete and notify the applicant.

E. Once the application is deemed complete, the Community Development Department/Planning Division has fifteen (15) working days to complete the review procedure.

F. A signed Performance Agreement shall be required, and a bond or cash deposit may be required in order to insure completion of the approved Site Plan in an agreed time frame. Any Site Plan improvements or repairs to private or public improvements damaged during construction not completed prior to building occupancy will require a bond equal to the estimated remaining improvement or repair costs. No deviation from the approved site plan will be permissible without approval of the Community Development Director/Planner.

SECTION 8.2.005 - SITE PLAN REQUIREMENTS

Site plans shall be drawn to clearly depict the following characteristics of the property and proposed project:

A. Location, exterior boundaries, and dimensions of property involved; scale and north arrow.

B. Location, name, width, and pavement type of adjacent street(s) or alleys; and proposed curbs, gutter and sidewalk improvements, if any.

C. Location, dimensions (including height), and use or occupancy of all existing and proposed structures on the property, including accessory structures, and including any decks, balconies, and other structural elements that protrude into yard areas.

D. Corner elevations of primary structures and direction of surface water flows onto, through, and off the property including the location of channels, creeks, swales and other existing or proposed drainage facilities affecting the proposed Site Plan.

E. Location, type, and dimensions of proposed on-site sewage disposal and water supply, if any.

F. Location and dimensions of existing or proposed driveways and enclosed or open parking areas, including type of surface materials.

G. Location and descriptions of any major topographic, natural or man-made features on the site, such as rock outcrops, water features, existing vegetation, trees, graded areas, etc.

H. Landscaping as required by Article 5.6.

I. Parking and Loading areas as required by Article 5.7.

J. Signs as required by Article 5.8.

K. Vehicular Access and Circulation as required by Article 6.2.

L. Street Trees, Curbs, Gutters, and Sidewalks as required by Article 6.3.

M. Site Drainage and Grading as required by Article 6.5.

N. Utilities as required by Article 6.9.

O. Solid Waste Facilities as required by Article 6.10.

P. Signature of applicant, printed name, address and telephone number.

Q. Location, type, and dimensions of utility easements crossing the property.

R. Any submittal requirements shown on the application form checklist for Site Plan Applications.

ARTICLE 8.3 - TEMPORARY USE PERMIT

SECTION 8.3.001 - PURPOSE

The purpose of the Temporary Use Permit is to allow the establishment of specified uses on a short-term basis in certain, specified land use zones.

SECTION 8.3.002 - EXPIRATION AND EXTENSIONS

A. Medical Hardship Residences. Upon approval of a Temporary Use Permit for a residential unit associated with a medical hardship, the approval shall be effective through the end of the current calendar year, or the following calendar year if less than six (6) months remain in the current year. The permit may be renewed by the Community Development Director/Planner if the medical hardship continues to exist.

Temporary Use Permit approval will require the applicant to record with the title of the property a declaration which would state the temporary dwelling unit must be removed prior to any sale of the property. A copy of the recorded document is to be provided to the Community Development Department/Planning Division prior to occupancy of the temporary dwelling unit.

B. Other Temporary Uses. Upon approval of a Temporary Use Permit for other purposes, the approval shall be effective for six (6) months with provision for a six (6) month extension allowed, at the discretion of the Community Development Director/Planner, at the expiration of the initially permitted time period. The Planning Commission may grant any requests for extension beyond a one (1) year period. Temporary Use Permits shall be limited to a one (1) year term with Planning Commission approval for one (1) additional year and limiting the total Temporary Use Permit use/operation to a period of time not longer than two (2) years.

C. Bonding. A bond to cover the cost of removal of the Temporary Use must be posted at the time of approval for the duration of the permit. Such bond will be utilized to remove any Temporary Use existing after the permitted time expires, if the applicant fails to remove the Temporary Use. All unused bond will be returned.

SECTION 8.3.003 - USES PERMITTED

Uses to be permitted include medical hardship residences, temporary office structures, trailers used as construction offices, units or trailers used seasonally as locations for food and/or beverage vending, or other uses as determined by the Community Development Director/Planner.

A. Central Business Zone – The following Temporary Uses may be permitted within the Central Business Zone: Nursery, Produce Market, Auction Gallery, Flea Market, and Art and Craft Fairs.

B. Temporary Real Estate Office – A property owner or developer may establish and maintain a temporary real estate sales office in a Subdivision or Planned Unit Development containing more than fifty (50) lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [Ord. 2989, Dec. 5, 2001]

SECTION 8.3.004 - REVIEW PROCEDURE

Application for a Temporary Use Permit shall be subject to the Community Development Department/Planning Division Review Procedure.

SECTION 8.3.005 - REVIEW CRITERIA

A Temporary Use Permit shall be granted if the Community Development Director/Planner or other designated City official finds that it satisfies all applicable requirements of this Code.

SECTION 8.3.006 - PROCESSING

In the processing of Temporary Use Permits, the following procedures shall be followed:

A. Initiation - Application for a Temporary Use Permit shall be initiated by the owner of the property proposed as the site of the temporary use or by the agent of the owner. The authorization of said agent shall be in writing and filed with the application.

B. Filing - Application for a Temporary Use Permit shall be filed on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all of the information requested, shall be accompanied by a Site Plan and any such information as listed on the application submittal checklist.

C. Filing Fee - Application for a Temporary Use Permit shall be accompanied by a filing fee set by the City Council, by Resolution, to defray costs incidental to the proceedings.

D. Review by Appropriate Authority - The Community Development Director/Planner, as provided by Chapter 9 of this Code, shall review the application and render a decision as provided by the review procedure.

E. Attachment of Conditions - The Community Development Director/Planner may approve the Temporary Use Permit subject to such reasonable conditions as are necessary to ensure compliance with the applicable standards of this Code.

F. Appeal of Decision - The decision of the Community Development Director/Planner shall be final unless an appeal in writing is filed as provided by Chapter 9, Article 9.7, within ten (10) days of the date of mailing the notification of decision.

G. Temporary Permit Conditions - Reasonable, clear, and objective conditions may be imposed by the Community Development Director/Planner in connection with the temporary permit as necessary to meet the purposes of Article 8.3. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to:

1. Special yards and spaces.

2. Fences and walls.

3. Control of points of vehicular ingress and egress.

4. Special provisions for signs.

5. Landscaping and maintenance of such landscaping.

6. Maintenance of the grounds.

7. Control of noise, vibration, and odors.

8. Limitation of operation hours for certain activities.

9. A time period within which the proposed use shall be developed.

H. In the event the Community Development Director/Planner finds that the application for a permit contains false information or that the use violates the conditions of the permit or any provisions of this Code, the permit may be immediately revoked at the discretion of the Community Development Director/Planner.

SECTION 8.3.007 - SITE PLAN REQUIREMENTS

Site Plans shall be submitted and must include all applicable characteristics outlined in Article 8.2, Section 8.2.005 of this Code for temporary structures. [Ord. 3047, July 12, 2006]

SECTION 8.3.008 - STANDARD FOR TEMPORARY USES

A. Mobile Office/Construction Trailer

1. Time Limitation Exemption - A construction trailer shall be allowed for the duration of the project plus thirty (30) days upon completion.

B. Medical Hardship Residence

1. The current principal use of the land must be single family residence, or a vacant lot adjacent to the single family residence under the same ownership.

2. The temporary residence must be for an immediate family member of the current resident, defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.

3. Certification of need by a licensed physician is required with the initial application and each request for renewal.

4. Setback and height requirements for accessory buildings must be met by the temporary residence, and the front setback of the temporary residence shall be no less than that of the principal residence.

5. Temporary residences shall not be expanded or have attached permanent structures except to provide access to the temporary residence.

6. The installation of a temporary manufactured dwelling shall meet the requirements of the Oregon Manufactured Dwelling Standards.

7. A temporary manufactured dwelling must be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.

8. A temporary manufactured dwelling must comply with all applicable federal, state and local special flood hazard area rules and regulations.

9. The minimum size of a temporary manufactured dwelling shall be three hundred twenty (320) square feet and it shall meet the requirements of a park trailer, mobile home, or manufactured dwelling, not older than ten (10) years of age.

10. The maximum size of a temporary manufactured dwelling shall be 1,080 square feet of enclosed living space with no more than two (2) bedrooms.

11. The temporary residence must connect to City sewer and water services or to an approved septic tank and well system. Billing will be at double rate if connection is via an approved connection through the principal residence.

12. The Temporary Use Permit is nontransferable; no one is to occupy the temporary residence except the person named in the application.

13. No property right to a second dwelling unit is established by the Temporary Use Permit.

ARTICLE 8.4 - VARIANCES

SECTION 8.4.001 - PURPOSE

The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.

SECTION 8.4.002 - REVIEW PROCEDURE

A. Application for a Variance related to the design and improvement standards for an accompanying Subdivision or Planned Unit Development application shall be subject to the Planning Commission Review Procedure.

B. Zoning Code - The Variance request must be for relief from a physical requirement of the Land Development Code.

SECTION 8.4.003 - REVIEW CRITERIA

Also, please refer to Article 3.12, Section 3.12.012 for Flood Plain Variance Criteria.

A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.

C. The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.

D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.

E. The Variance requested is the minimum Variance which will alleviate the hardship.

SECTION 8.4.004 - PROCESSING

In the processing of a Variance, the following procedures shall be followed:

A. Initiation - A request for a Variance shall be initiated by a property owner or his authorized agent by filing an application with the Community Development Department/Planning Division. The authorization of said agent shall be in writing and filed with the application.

B. Filing - An application for a Variance shall be filed on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all information requested, shall be accompanied by a Site Plan and any such information as listed on the application submittal checklist.

C. Filing Fee - Application for a Variance with the requested information attached shall be accompanied by a filing fee set by the City Council, by resolution, to defray the costs incidental to the proceedings.

D. Incomplete Application - No Variance hearing shall be scheduled if it is determined by the Community Development Director/Planner that the application is deemed to be incomplete. The applicant has thirty (30) days to provide the necessary information to the Community Development Department/Planning Division or the application will be returned. In lieu thereof, the applicant may advise the Community Development Director/Planner that they are unable to submit the requested information.

E. Review by Appropriate Authority - The review authority, as provided by Chapter 9 of this Code, shall review the application and render a decision as provided by the Review Procedures.

F. Attachment of Conditions - The review authority may grant a Variance subject to such conditions as will assure that the departures from the requirements of this Code thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone in which the subject property is located, and which it finds necessary to protect the best interest of the surrounding property or neighborhood.

G. Noncompliance with Conditions - The Community Development Director/Planner may, as provided by this Code, take action where it reasonably appears that any conditions imposed upon the granting of a Variance have not been complied with.

H. Prior Variance - Any Variance granted pursuant to a Zoning Ordinance enacted prior to the effective date of this Code shall be construed to be a Variance in full effect unless otherwise voided pursuant to Paragraph G of this Section.

I. Limitation - No request for a Variance shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

SECTION 8.4.005 - SITE PLAN REQUIREMENTS

Site Plans shall be submitted in accordance with Article 8.2, Section 8.2.005 of this Code.

SECTION 8.4.006 - ADMINISTRATIVE VARIANCES

A. Purpose - The purpose of this Section is to allow for Community Development Director/Planner review of certain minor Variances which are limited in scope and which are unlikely to have impacts beyond the property on which they are located.

B. Applicability - The Administrative Variance procedure will be used to review the following:

1. A building setback reduction not greater than twenty percent (20%) of the required setback.

2. A proposed building that would exceed the height limitations by not more than ten percent (10%). [Ord. 2989, Dec. 5, 2001]

3. A proposed accessory building that would exceed the maximum wall or roof ridge height by no more than twenty five percent (25%) of the respective standard. [Ord. 2989, Dec. 5, 2001]

4. A proposed accessory building that would exceed the fifty percent (50%) rear yard coverage standard by not more than an additional five percent (5%). [Ord. 2989, Dec. 5, 2001]

C. Procedure - An application and Site Plan shall be filed as required by Sections 8.4.004 and 8.4.005. In reviewing the Variance, the Community Development Director/Planner shall apply the criteria of Section 8.4.003 and make his findings and decision in writing.

D. Notice - Notice of the decision shall be sent to the applicant and to the owners of property located within one hundred feet (100') of the subject property.

ARTICLE 8.5 - CONDITIONAL USE PERMIT

SECTION 8.5.001 - PURPOSE

The purpose of the Conditional Use Permit is to provide a mechanism whereby uses which may be suitable only in certain locations or only if designed or operated in a particular manner may be allowed within the basic zone designation.

SECTION 8.5.002 - REVIEW PROCEDURE

Application for a Conditional Use Permit shall be subject to the Planning Commission Review Procedure. Application for a Conditional Use Permit when in conjunction with a Comprehensive Land Use Plan change shall be subject to the Planning Commission Review Procedure.

SECTION 8.5.003 - REVIEW CRITERIA

A Conditional Use Permit shall be granted only if the reviewing authority shall find that it satisfies the following criteria, as well as all other criteria and standards of this Code and other applicable codes and Ordinances.

A. That the use is conditionally permitted in the zone in which it is proposed to be located.

B. That the location, size, design, and operating characteristics of the proposed use are in conformance with the La Grande Comprehensive Plan.

C. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

SECTION 8.5.004 - PROCESSING

In the processing of a Conditional Use Permit, the following procedures shall be followed:

A. Initiation - An application for a Conditional Use Permit shall be initiated by the owner of the property for which the Conditional Use Permit is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

B. Filing - An application for a Conditional Use Permit shall be filed on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all the information requested, shall be accompanied by a Site Plan and any such information as listed on the application submittal checklist.

C. Filing Fee - Application for a Conditional Use Permit with the requested information attached shall be accompanied by a filing fee set by the City Council, by resolution, to defray the costs incidental to the proceedings.

D. Incomplete Application - No Conditional Use Permit hearing shall be scheduled if it is determined by the Community Development Director/Planner that the application is deemed to be incomplete. The applicant has thirty (30) days to provide the necessary information to the Community Development Department/Planning Division or the application will be returned. In lieu thereof, the applicant may advise the Community Development Director/Planner that they are unable to submit the requested information.

E. Review by Appropriate Authority - The review authority, as provided by Chapter 9 of this Code, shall review the application and render a decision as provided by the review procedures.

F. Attachment of Conditions - The review authority may approve the Conditional Use Permit subject to such reasonable conditions as are necessary, which conditions may include, but are not limited to:

1. Regulations of use or uses.
2. Special yards, spaces and buffers.
3. Fences, hedges and walls.
4. Surfacing of parking area.
5. Requiring street, service road or alley dedications and improvements or appropriate bonds.
6. Regulation of points of vehicular ingress and egress.
7. Regulation of signs.
8. Requiring landscaping and maintenance thereof.
9. Requiring maintenance of the grounds.
10. Regulation of noise, vibration, odors, etc.
11. Regulation of time for certain activities.
12. Time period within which the proposed use shall be developed.
13. Duration of use.
14. Such other conditions as will make possible the development of the City in an orderly and efficient manner and conformity with the intent and purposes of applicable Ordinances.

G. Appeal of Decision - The decision of the review authority shall be final unless an appeal in writing is filed as provided in Chapter 9, Article 9.7.

H. Noncompliance with Conditions - The Community Development Director/Planner may take action as provided by Section 10.2.004 of this Code where it reasonably appears that any condition imposed upon the granting of a Conditional Use Permit has not been complied with. In addition,

a Conditional Use Permit may be modified or revoked if the Planning Commission finds one (1) or more of the following:

1. That the Permit was obtained by misrepresentation or fraud;

2. That the use for which the Permit was granted is not being exercised;

3. That the use for which the Permit was granted has ceased or has been suspended for six (6) months or longer;

4. That the conditions imposed on said Use Permit have not been complied with;

5. That the use is detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity;

6. That the Conditional Use has been materially altered or expanded beyond the scope of the use originally authorized. Factors, such as, but not limited to, increased number or size of structures, finding that a nuisance exists, or alteration of the approved Site Plan may be cause for modification or revocation of a Conditional Use Permit.

I. Prior Conditional Use Permit - A Conditional Use Permit granted pursuant to a Zoning Ordinance enacted prior to the effective date of this Code shall be construed to be a Conditional Use Permit in full effect unless otherwise voided pursuant to Paragraph "H" of this Section.

J. Revisions to a Valid Conditional Use Permit - Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedure of this Article as though a new Conditional Use Permit were being applied for.

K. Limitation - No request for a Conditional Use Permit shall be considered by the review authority within a one-year period immediately following a previous denial of such request.

SECTION 8.5.005 - SITE PLAN REQUIREMENTS

Site plans shall be submitted in accordance with Article 8.2, Section 8.2.005 of this Code.

SECTION 8.5.006 - TIME LIMIT ON CONDITIONAL USE PERMIT APPROVAL

A Conditional Use Permit shall be void after one (1) year if conditions of the Conditional Use Permit have not been met. If substantial improvements have been made, the Community Development Director/Planner may grant a one (1) year extension. However, the review authority may extend the one (1) year period at the hearing on the initial application or at a later date upon the request of the applicant and a showing of good cause thereafter. The reviewing authority may place such conditions upon the granting of additional time, including but not limited to, the requirement of a performance bond or cash deposit to be forfeited to the City in the event substantial progress on the proposed development has not been made at the end of the period of time granted by the reviewing authority.

A. Substantial progress shall require consideration by the reviewing authority of the following factors:

1. The ratio of expenditures incurred to the total cost of the project.

2. The good faith of the landowner.

3. Whether the expenditures have any relationship to the completed project or could apply to various other uses of the land.

4. The kind of project, location and ultimate cost.

5. Whether the acts of the landowner arise beyond mere contemplated use or preparation, such as leveling of land or boring test holes for preliminary negotiations with contractors or architects.

ARTICLE 8.6 - ZONE DESIGNATION CHANGE

SECTION 8.6.001 - PURPOSE

The purpose of a Zone Designation Change is to provide for revision in response to individual landowner needs, and for zone changes required to maintain conformance with the City of La Grande Comprehensive Plan.

SECTION 8.6.002 - REVIEW PROCEDURE

All requests for a Zone Designation Change shall be subject to the Planning Commission and City Council Review Procedures.

SECTION 8.6.003 - REVIEW CRITERIA

A proposed Zone Designation Change shall meet the following criteria:

A. The Zone Designation Change is in conformance with the Comprehensive Plan, and all other provisions of the Land Development Code;

B. The property affected by the Zone Designation Change is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning;

C. The property affected by the proposed Zone Designation Change is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein;

D. The proposed Zone Designation Change will have no adverse effect on the appropriate use and development of abutting properties.

SECTION 8.6.004 - PROCESSING

In the processing of a Zone Designation Change, the following procedures shall be followed:

A. Initiation by Property Owner - An application for a Zone Designation Change may be initiated by the owner of the subject property or the authorized representative of the owner. The authorization of said representative shall be in writing and filed with the application. Application shall be made on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all required information, and shall be accompanied by a filing fee set by Resolution of the City Council to defray a portion of the costs incidental to the proceedings. The application shall be accompanied by any such information as listed on the application submittal checklist. If it is determined that the application does not provide the required information nor have attached other pertinent data requested, the application and filing fee shall not be accepted.

B. Initiation by the Community Development Director/Planner - The Community Development Director/Planner may initiate proceedings for a Zone Designation Change limited to Zone Designation Changes required to implement the City of La Grande Comprehensive Plan. The Community Development Director/Planner shall refer said Zone Designation Changes to the Planning Commission. If a mapping error is to be corrected in the affected zoning maps, said error shall be referred to the Planning Commission by the Community Development

Director/Planner. Mapping error and Zone Designation Change shall be in writing stating the purpose of the proposed change.

C. Public Hearing by Planning Commission - Upon receipt of an application for a Zone Designation Change, the Community Development Director/Planner shall set a date for a public hearing, as provided by Chapter 9, Article 9.5.

D. Notice - Notice of a hearing on a proposed Zone Designation Change shall be provided as prescribed in Article 9.6, Section 9.6.001 of this Code. Notice of the proposal shall also be submitted to the Oregon Department of Land Conservation and Development and other affected agencies for review in accordance with Oregon Administrative Rules.

1. If an application would change the zone of property which includes all or part of a mobile home park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park at least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on the application. The governing body may require the applicant for such a Zone Designation Change to pay the cost of such notice. The failure of a tenant to receive notice which was mailed shall not invalidate any Zone Designation Change.

E. Review - The Planning Commission shall review the proposed Zone Designation Change and make a recommendation to the City Council in accordance with the procedure established in Chapter 9.

F. Limitation - No request for a Zone Designation Change shall be considered by the Planning Commission on the same property or substantially the same property within a one (1) year period immediately following a previous denial of such request except the reviewing authority may consent to a new hearing if in the opinion of the reviewing authority new evidence or a change of circumstances warrant it.

G. Public Hearing by City Council - Upon receipt of a recommendation of the Planning Commission, the Community Development Director/Planner shall set a date for public hearing, as provided by Chapter 9, Article 9.5, before the City Council.

H. Review by City Council - The City Council shall review the proposed Zone Designation Change and reach a decision in accordance with the procedure established in Chapter 9, and Oregon Revised Statutes. If the decision of the City Council is to approve the proposed Zone Change, such action shall be confirmed through amendment of the Official Zoning Map by the Community Development Department/Planning Division.

ARTICLE 8.7 - COMPREHENSIVE PLAN DESIGNATION CHANGE

SECTION 8.7.001 - PURPOSE

The purpose of the Comprehensive Plan Designation Change is to provide for revisions in the Comprehensive Plan map in response to an individual change in land use as a result of changing public needs, desires, and the rate of development in the City and in order to carry out the state-wide planning goals.

SECTION 8.7.002 - REVIEW PROCEDURE

Requests for a Comprehensive Plan Designation Change shall be subject to the Planning Commission and City Council Review Procedures.

SECTION 8.7.003 - REVIEW CRITERIA

A proposed Comprehensive Plan Designation Change shall meet the following criteria:

A. The proposed change is in compliance with the Statewide planning goals.

B. The proposed change is in conformance with all policies of the City of La Grande Comprehensive Plan; and,

C. The proposed change is supported by specific studies or other factual information which documents the public need for the change.

SECTION 8.7.004 - PROCESSING

In the processing of a Comprehensive Plan Designation Change, the following procedures shall be followed:

A. Initiation by Property Owner - An application for a Comprehensive Plan Designation Change may be initiated by the owner of the subject property or the authorized representative of the owner. The authorization of said representative shall be in writing and filed with the application form. Application shall be made on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual, shall set forth in detail all the information required, and shall be accompanied by a filing fee set by Resolution of the City Council to defray the costs incidental to the proceedings. The application shall be accompanied by any such information as listed on the application submittal checklist. If it is determined the application does not provide the required information nor have attached other pertinent data requested, the application and filing fee shall not be accepted.

B. Initiation by the Community Development Director/Planner - The Community Development Director/Planner may initiate proceedings for a Comprehensive Plan Designation Change limited to changes required to maintain state-wide goal compliance and to correct any errors in the official Comprehensive Plan Designation maps.

C. Public Hearing by Planning Commission - Upon receipt of an application for a Comprehensive Plan Designation Change, the Community Development Director/Planner shall set a date for a public hearing, as provided by Chapter 9, Article 9.5.

D. Notice - Notice of a hearing on a proposed Comprehensive Plan Designation Change shall be provided as prescribed by Article 9.6, Section 9.6.001 of this Code. Notice of the proposal shall also be submitted to the Oregon Department of Land Conservation and Development and other affected agencies for review in accordance with Oregon Administrative Rules.

E. Review by Planning Commission - The reviewing authority shall review the proposed Comprehensive Plan Designation Change and make a recommendation to the City Council in accordance with the procedure established in Chapter 9.

F. Limitation - No request for a Comprehensive Plan Designation Change shall be considered by the Planning Commission on the same property or substantially the same property within a one (1) year period immediately following a previous denial by the review authority of such request except the reviewing authority may consent to a new hearing if in the opinion of the review authority new evidence or a change of circumstances warrant it.

G. Public Hearing by City Council - Upon receipt of a recommendation of the Planning Commission, the Community Development Director/Planner shall set a date for public hearing, as provided by Chapter 9, Article 9.5, before the City Council.

H. Review by City Council - The City Council shall review the proposed Comprehensive Plan Designation Change and reach a decision in accordance with the procedure established in Chapter 9, and Oregon Revised Statutes. If the decision of the City Council is to approve the proposed Comprehensive Plan Designation Change, such action shall be confirmed through amendment of the Comprehensive Plan document by the Community Development Department/Planning Division.

ARTICLE 8.8 - LAND DEVELOPMENT CODE AMENDMENT

SECTION 8.8.001 - PURPOSE
The purpose of the Land Development Code Amendment is to provide for its revision in response to revisions to the City of La Grande Comprehensive Plan, or to provide for the continued efficient administration of this Code, or to provide for revision and update as deemed necessary.

SECTION 8.8.002 - REVIEW PROCEDURE
Land Development Code Amendment requests shall be subject to the Planning Commission and the City Council Review Procedures.

SECTION 8.8.003 - REVIEW CRITERIA
A proposed Land Development Code Amendment shall meet the following criteria:

A. That the proposed amendment is in compliance with the Statewide Planning Goals and with the Comprehensive Plan Policies.

SECTION 8.8.004 - PROCESSING
In the processing of Land Development Code Amendments, the following procedures shall be followed:

A. Initiation by the Community Development Director/Planner, Planning Commission, or City Council - The Community Development Director/Planner, Planning Commission or City Council may initiate proceedings to amend the Land Development Code by majority vote, providing that if said Community Development Director/Planner or Council initiates the amendment it shall be referred to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment.

B. Public Hearing by Planning Commission - Upon receipt of either a request for a Land Development Code Amendment or a motion from the Planning Commission or City Council to consider a proposed amendment, the Community Development Director/Planner shall set a date for a public hearing, as provided by Chapter 9, Article 9.5 before the Planning Commission.

C. Notice - Notice of a hearing on a proposed Land Development Code Amendment shall be provided as set forth in Article 9.6, Section 9.6.001 of this Code. Notice of the proposal shall also be submitted to the Oregon Department of Land Conservation and Development and other affected agencies for review in accordance with Oregon Administrative Rules.

D. Review by the Planning Commission - The Planning Commission shall review the proposed Land Development Code Amendment in accordance with the procedure established in Chapter 9 and make a recommendation to the City Council.

E. Public Hearing by City Council - Upon receipt of a recommendation of the Planning Commission, the Community Development Director/Planner shall set a date for public hearing, as provided by Chapter 9, Article 9.5, before the City Council.

F. Review by City Council - The City Council shall review the proposed Land Development Code Amendment and reach a decision in accordance with the procedure established in Chapter 9, and

Oregon Revised Statutes relating to enactment of Ordinances. If the decision of the City Council is to approve the proposed amendment, such action shall be confirmed through amendment of the Land Development Code by the Community Development Department/Planning Division.

G. Limitation - No request for a Land Development Code Amendment shall be considered by the Planning Commission on the same matter or substantially the same matter within a one (1) year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

ARTICLE 8.9 - COMPREHENSIVE PLAN DOCUMENT AMENDMENT

SECTION 8.9.001 - PURPOSE

The purpose of the Comprehensive Plan Document Amendment is to provide for changes in periodic needs, desires, and the rate of development, and in order to carry out the Statewide Planning Goals. Major revisions of the Plan should not occur more frequently than when periodic review required by ORS 197.628 through 197.644 is undertaken, while minor revisions may occur more frequently based upon submission of an application for change. Major revisions in the Comprehensive Plan are usually regarded as legislative, and include land use changes that have wide-spread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the use; or a spatial change that affects large areas from many different ownerships. Minor changes in the plan are regarded as quasi-judicial, and are those which do not have a significant effect beyond the immediate area of the change, such as those which are narrow in scope and which focus on specific situations or lands.

SECTION 8.9.002 - REVIEW PROCEDURE

Comprehensive Plan Document Amendment requests shall be subject to the Planning Commission and City Council Review Procedure.

SECTION 8.9.003 - REVIEW CRITERIA

A proposed Comprehensive Plan Document Amendment shall be approved if the reviewing authority finds:

A. That the proposed amendment is in compliance with Oregon Planning Goals;

B. That the proposed amendment is in conformance with the policies of the Comprehensive Plan; and

C. That the proposed amendment is supported by specific studies or other factual information which documents the public need for the amendment.

SECTION 8.9.004 - PROCESSING

In the processing of Comprehensive Plan Document Amendments, the following procedures shall be followed:

A. Initiation by the Community Development Director/Planner, Planning Commission or City Council - The Community Development Director/Planner, Planning Commission or City Council may initiate proceedings to amend the Comprehensive Plan Document by majority vote, providing that if said Council initiates the amendment, it shall be referred to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment. A quasi-judicial amendment may be initiated by a property owner or an authorized representative of the owner.

B. Public Hearing by Planning Commission - Upon receipt of a Comprehensive Plan Document Amendment request, or a motion from the Planning Commission or City Council to consider a proposed amendment, the Community Development Director/Planner shall set a date for a public hearing as provided by Chapter 9, Article 9.5, before the Planning Commission.

C. Notice - Notice of a hearing on a proposed Comprehensive Plan Document Amendment shall be provided as set forth in Article 9.6, Section 9.6.001 of this Code. Notice of the proposal shall also be submitted to the Oregon Department of Land Conservation and Development and other affected agencies for review in accordance with Oregon Administrative Rules.

D. Review by the Planning Commission - The Planning Commission shall review the proposed Comprehensive Plan Document Amendment in accordance with the procedure established in Chapter 9 and make a recommendation to the City Council.

E. Public Hearing by City Council - Upon receipt of a recommendation of the Planning Commission, the Community Development Director/Planner shall set a date for public hearing, as provided by Chapter 9, Article 9.5, before the City Council.

F. Notice - Notice of a Public Hearing before the City Council shall be given in the manner prescribed by Paragraph C of this Section.

G. Review by City Council - The City Council shall review the proposed Comprehensive Plan Document Amendment and reach a decision in accordance with the procedure established in Chapter 9, and Oregon Revised Statutes relating to enactment of Ordinances. If the decision of the City Council is to approve the proposed amendment, such action shall be confirmed through an Ordinance amending the Comprehensive Plan Document by the City Council.

H. Appeal - Appeal from the decision of the City Council shall be to the Land Use Board of Appeals (LUBA) as provided by Oregon Revised Statutes (ORS).

I. Limitation - No request for a Comprehensive Plan Document Amendment shall be considered by the Planning Commission on the same matter or substantially the same matter within a one (1) year period immediately following a previous denial of such request, except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission new evidence or a change of circumstances warrant it.

J. Urban Growth Boundary Management Agreement Amendment - Amendment of an Urban Growth Boundary Management Agreement may be initiated by the County, City, a county resident, or property owner in accordance with the provisions of the La Grande/Union County Urban Growth Boundary Management Agreement.

ARTICLE 8.10 - VACATIONS

SECTION 8.10.001 - PROCESSING

Street, alley, or other right-of-way vacations shall be filed on applications available through the Community Development Department/Planning Division, and processed in accordance with ORS Chapter 271, with fees charged as set forth within the Statute. The application shall be accompanied by any such information required by the Statute or as listed on the application submittal checklist.

SECTION 8.10.002 – REVIEW CRITERIA

A. The proposed Vacation may be approved when there are no public utilities or services existing within the right-of-way or proposed to be installed within the right-of-way; and when determined by the Community Development Director/Planner, a public utility easement shall be provided in lieu of the public right-of-way.

B. The proposed Vacation will have no adverse effect on the property owners adjacent to the right-of-way and the owners of "affected property" within the vicinity of four hundred feet (400') to either end of the right-of-way proposed to be vacated and within the vicinity of two hundred feet (200') to either side of the right-of-way proposed to be vacated. To ensure this is the case, a public hearing to consider a Vacation request shall not be held until property owners representing all of the property adjacent to the proposed Vacation consent to the proposal before a notary on forms provided by the City. In addition, two-thirds of the property owners (by land area) within the "affected area" shall submit their notarized consent to the Vacation proposal prior to the hearing.

C. The Vacation shall be granted if the reviewing authority finds that it satisfies all applicable requirements of the Land Development Code, Comprehensive Plan and Oregon Revised Statutes.

D. The Vacation shall be denied if access, utilities and other street improvements provided, or planned to be provided, in the right-of-way proposed to be vacated are necessary to serve development permitted by the Land Development Code and Comprehensive Plan.

E. The Vacation will not prevent the development of through streets which are identified on the County Assessor's Plats in areas where such through street is identified on an adopted Transportation System Plan or is deemed necessary by the Community Development Director/Planner or other reviewing authority.

F. The Vacation maintains a uniform development pattern and does not conflict with established development patterns in the same zone or vicinity.

SECTION 8.10.003 – REVIEW PROCEDURE

Vacation requests shall be subject to the Planning Commission and City Council review procedures set forth in Articles 9.3 and 9.4 of this Code.

SECTION 8.10.004 – NOTICE

Notice of a Vacation hearing shall be provided to the affected property owners and interested agencies, such as utility and emergency service providers, in accordance with ORS Chapter 271.

ARTICLE 8.11 - HOME OCCUPATION

SECTION 8.11.001 - PURPOSE

The purpose of these Sections are to ensure that occupations conducted within one's own residence shall not be objectionable to the neighborhood in which it is located and shall maintain the residential character and appearance of both the dwelling and neighborhood.

SECTION 8.11.002 - WHERE PERMITTED

Home occupations shall be permitted in any Residential use, subject to Article 9.2, Community Development Department/Planning Division Review Procedure. Application shall be made on forms provided by the Community Development Department/Planning Division, depicted in the City of La Grande Standards, Specifications and Guidelines Manual. The application shall be accompanied by any such information as listed on the application submittal checklist.

EXCEPTION: If a Home Occupation is to employ no persons from outside the home, anticipates no clients or customers calling at the home to do business, erects no signage visible from the exterior of the home and meets all of the other Home Occupation standards of this Article, such Home Occupation shall be processed as a New Business Initiation Permit. [Ord. 3006, Feb. 5, 2003]

SECTION 8.11.003 - HOME OCCUPATION CRITERIA

A Home Occupation Permit shall be granted if the Community Development Director/Planner or other designated City official finds that it satisfies all applicable requirements of this Code.

SECTION 8.11.004 - STANDARDS FOR HOME BUSINESSES

Home businesses are subject to the requirements of the base zone, as well as the following standards, which have been established to preserve the neighborhood character of which the dwelling engaged in a home business is a part:

A. No home business shall be operated in such a manner as to cause a nuisance, e.g., noise, vibration, dust, odors, glare, debris, smoke, television or radio interference, heat, radiation, or other nuisances as defined by the Community Development Director/Planner that are detectable outside the dwelling or through vertical or horizontal common walls of an attached dwelling;

B. The home business shall be clearly incidental and secondary to the use of the dwelling for residence purposes, and shall not change the residential character nor shall it alter the external or internal appearance of the dwelling unit other than those alterations normally allowed for residential structures;

C. There shall be no sales of products other than products hand-crafted by the occupants, or products which are related and incidental to a service provided;

D. Only one (1) sign, visible from any public street, identifying the home business is allowed; the sign cannot exceed three (3) square feet of area, must be non-illuminated, and mounted flat against the wall of the principal building;

E. No more than twenty-five percent (25%) of the gross floor area of one (1) floor of said residence or one room, whichever is less, shall be used for the purpose of the home business, exclusive of garage floor areas and floor areas of accessory structures;

F. The use does not involve the storage of hazardous, flammable, or combustible liquids or materials, other than those customarily found in or of greater intensity and/or duration of those customarily associated with a residence;

G. Patrons of the home business are permitted at the residence only between the hours of 9:00 a.m. and 8:00 p.m. (with the only exception being those home businesses that do not involve disruptive or other activities);

H. The entrance to the space devoted to the home business shall be from within the main dwelling unit and there shall be no internal or external alterations to the existing residence that would operate to provide an entrance other than the same of the entire dwelling unit;

I. The home business shall be restricted to either the interior of the dwelling unit or the interior of no more than one (1) accessory structure;

J. No outdoor storage may occur. Any interior areas devoted to storage of inventory or products shall be counted toward the twenty-five percent (25%) square footage standard of Subsection E above;

K. No more than one (1) person other than residents of the dwelling shall work or report to work on the premises. An allowable exception is that two (2) persons other than the resident may work on the premises if their work hours are not simultaneous and when combined, do not exceed forty (40) hours per week (1 FTE);

L. Only two (2) clients are permitted in the dwelling at any one time. (Residential garage sales being the only exception);

M. No article may be regularly displayed, sold, or offered for sale on the premises. (Residential garage sales being the only exception);

N. An order may be filled on the premises if it is placed earlier by a patron using telephone, mail order, or through attendance at a sales party;

O. The home business shall not generate pedestrian or vehicular traffic and/or parking in excess of what is normal in a similar residential dwelling not having a home business. Specifically, the home business shall cause no more than twelve (12) visits in any one twenty-four (24) hour day by those patronizing the home business by vehicle. Nor shall the home business cause delivery vehicles to visit the site more than once in a five (5) day work week (excluding normal package delivery by United States Mail, United Parcel Service, or other company involved in small package delivery);

P. The home business shall not generate refuse, sewage, electrical, or water use in excess of what is normal for a similar residential dwelling not having a home business;

Q. No mechanical or electrical equipment may be installed or maintained other than such as is customarily incidental to a domestic use;

R. Vehicles with commercial signing shall be prohibited, other than one (1) such vehicle that is regularly used by the occupant for transportation. If such a vehicle is not removed from the residential neighborhood at least once every seventy-two (72) hours, it must be stored within an enclosed structure on the premises; and, [Ord. 3006, Feb. 5, 2003]

S. The dwelling is the principal residence of the business operator and the applicant complies with all City laws, regulations, ordinances, and any other requirements, as established by the Community Development Director/Planner.

SECTION 8.11.005 - BUSINESSES PROHIBITED IN THE HOME

The following uses by the nature of the investment or operation have a pronounced tendency to rapidly increase beyond the limits permitted for home businesses and thereby substantially impair the use and value of a residentially zoned area for residential purposes:

A. Animal breeding beyond three (3) litters per year of domestic animals (e.g., cats, dogs, rabbits, birds, etc.); [Ord. 3006, Feb. 5, 2003]

B. Appliance repair; other than the repair of small household appliances;

C. Carpentry work;

D. Dance instruction to more than two (2) individuals at a time;

E. Dental or other medical offices;

F. Firearms sales and services;

G. Food catering;

H. Hair salons, unless limited to two (2) stations;

I. Motorized garden tool repair, such as, but not limited to, lawnmowers, chain saws, and leaf blowers;

J. Massage therapy;

K. Pest control;

L. Painting of vehicles, trailers, boats, and like vehicles/vessels;

M. Photo developing;

~~N. Real estate or brokerage offices;~~

O. Upholstery and furniture repair;

P. Vehicle-related uses such as, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles. The dispatching of vehicles such as limousines, taxicabs, and ambulances is allowed as a home business so long as those vehicles need not regularly come into the vicinity of the subject residence;

Q. Welding;

R. Any uses which require a Hazardous Materials Permit from the City of La Grande Fire Department; and

S. Any other uses as determined by the Community Development Director/Planner to be inappropriate as a home business.

CHAPTER 9 - HEARING PROCEDURES

ARTICLE 9.1 - BASIC PROVISIONS

SECTION 9.1.001 - PURPOSE OF REVIEW PROCEDURES

The purpose of this Chapter is to establish uniform procedures for decisions on matters pertaining to the use and development of lands within La Grande. It is the intent of this Chapter to provide Review Procedures ensuring that the amount of private and public resources devoted to reaching a particular decision is commensurate with its complexity and potential impact. These procedures are designed to encourage public familiarity with and understanding of how land decisions are reached. It is the long term purpose of these standardized procedures to increase the overall speed by which land use decisions are reached.

SECTION 9.1.002 - TYPES OF REVIEW PROCEDURES

All reviewing authorities, A through C, shall be governed by the Comprehensive Plan policies. In order to achieve the purposes set forth above, three (3) types of Review Procedures are established:

A. Community Development Department/Planning Division Review Procedure - This procedure is provided for reaching objective, ministerial decisions requiring no discretionary judgment, but only the application of measurable standards to specific fact situations. The land use or development proposals reviewed under this procedure will have minimal or no effect on surrounding lands or persons.

B. Planning Commission Review Procedure - This procedure provides for reaching complex decisions where discretion is required either to apply subjective, qualitative criteria or to weigh the merits of competing positions. The land use or development proposals reviewed under this procedure will have significant effects on a broad range of lands and persons.

C. City Council Review Procedure - This procedure provides for reaching complex decisions regarding land use policy.

ARTICLE 9.2 – COMMUNITY DEVELOPMENT DEPARTMENT/ PLANNING DIVISION REVIEW PROCEDURE

SECTION 9.2.001 - PURPOSE

The purpose of the Community Development Department/Planning Division Review Procedure is to provide for the ministerial review of certain land use and development decisions by the Community Development Director/Planner. It is the further purpose of this procedure to provide for the expeditious review of development subject to Community Development Department/Planning Division review.

SECTION 9.2.002 - APPLICATION

The following development shall be subject to Community Development Director/Planner Review:

A. Site Plan Approval and Geological Hazard Site Plan

B. Establishment of a Temporary Use

C. Time Extensions on a Tentative Major/Minor Land Partition Approval

D. Time Extension on a Preliminary Subdivision Plat Approval

E. Application for a Minor Partition

F. Application for a Lot Line Adjustment

G. Administrative Variance

H. Application for a Duplex Division

I. Home Occupations

SECTION 9.2.003 - NOTICE

Community Development Department/Planning Division Review shall be conducted by the Community Development Director/Planner. Notice shall be mailed or otherwise delivered to property owners within one hundred feet (100') of the proposed land use listed in Section 9.2.002, as well as to affected local, State, and Federal agencies at least fourteen (14) days prior to the decision date. The notice shall also be conspicuously posted on-site ten (10) days prior to the date of the scheduled decision. [Ord. 3006, Feb. 5, 2003]

SECTION 9.2.004 - REVIEW AND DECISION

A. The Community Development Director/Planner shall review the application and determine its compliance with applicable Codes and Ordinances. Conditions of approval may be imposed as necessary to ensure compliance with this Ordinance and other applicable Codes. The Community Development Director/Planner may, at his discretion or if requested, refer A through I under Section 9.2.002 to the Planning Commission for a public hearing and decision. [Ord. 2989, Dec. 5, 2001]

B. A determination of denial shall prohibit the applicant from undertaking the proposed development.

C. Written notice of Community Development Director/Planner approval or denial shall be given to all parties to the proceeding, to include, all those parties to whom notice must be given under ORS 227.173. [Ord. 3006, Feb. 5, 2003]

SECTION 9.2.005 - APPEAL

A decision of the Community Development Director/Planner may be appealed to the Planning Commission within twelve (12) days of mailing of notification in accordance with procedures set forth in Chapter 9, Article 9.7 of this Code. [Ord. 2989, Dec. 5, 2001]

ARTICLE 9.3 - PLANNING COMMISSION REVIEW PROCEDURE

SECTION 9.3.001 - PURPOSE

The purpose of this Planning Commission Review Procedure is to ensure that land use and development proposals which will have significant effects on a broad range of lands and persons are in compliance with this Code and all other applicable Codes and Ordinances.

SECTION 9.3.002 - APPLICATION

The following shall be subject to Planning Commission Review:

A. Recommendation to the City Council
   1. Amendment of the Comprehensive Plan Document - Legislative
   2. Amendment of the Land Development Code - Legislative
   3. Comprehensive Plan Map and Zoning Map Amendments, including Limited Use Overlay Designations and Specific Plans
   4. Right-Of-Way Vacations
   5. Right-Of-Way Dedications

B. Decisions
   1. Subdivisions of Land and Major Partitions (except Final Subdivision and Major Partition Plats) [Ord. 3047, July 12, 2006]
   2. Conditional Use and Variance Permits
   3. Planned Unit Developments

C. Appeal of Community Development Department/Planning Division or Community Development Director/Planner Decisions

SECTION 9.3.003 - PUBLIC HEARING AND NOTICE

The Community Development Department/Planning Division shall set a date for a noticed public hearing for Planning Commission Review as provided in Chapter 9, Article 9.5 of this Code.

SECTION 9.3.004 - REVIEW AND DECISION

The Planning Commission will conduct a public hearing to review the land use application or policy decision before it. At the hearing, the Planning Commission shall take testimony from all interested persons. The Planning Commission may approve, conditionally approve, or disapprove matters before it, as set forth in Chapter 9 of this Code. The Planning Commission may continue the hearing where it reasonably appears that additional testimony needs to be taken or the applicant is granted additional time in which to make recommended changes in his application. At the close of the hearing, the Planning Commission shall make its decision including the supportive findings of fact and conclusions of law. The decision of the Planning Commission shall be prepared in the form of the final Planning Commission Order from the official hearing minutes and record.

SECTION 9.3.005 - APPEAL

A decision of the Planning Commission shall be final unless appealed to the City Council within twelve (12) days of its mailing, by the applicant or a party having standing in accordance with procedures set forth in Chapter 9, Article 9.7 of this Code. If the property subject to the appeal is within the Urban Growth Area, the decision of the City Council may be appealed to the Union County Board of

Commissioners in accordance with the Joint Management Agreement and Union County Ordinance. [Ord. 2989, Dec. 5, 2001]

ARTICLE 9.4 - CITY COUNCIL REVIEW PROCEDURE

SECTION 9.4.001 - PURPOSE

The purpose of the City Council Review Procedure is to establish a process for reaching major public policy decisions concerning the use and development of lands within La Grande and the Urban Growth Boundary. This procedure recognizes that certain decisions may be administrative in nature, while other decisions may be legislative.

SECTION 9.4.002 - APPLICATION

The following shall be subject to City Council Review:

A. Amendment of the Comprehensive Plan Document

B. Amendment of the Land Development Code

C. Change in Comprehensive Plan and Zone Map Designation, including Limited Use Overlay Designations and Specific Plans

D. Appeals of Planning Commission Decisions

E. Final Subdivision and Major Partition Plats [Ord. 3006, Feb. 5, 2003]

F. Right-Of-Way Vacations

G. Right-Of-Way Dedications

SECTION 9.4.003 - PUBLIC HEARING AND NOTICE

The Community Development Department/Planning Division shall set a date for a noticed public hearing for City Council Review as provided by Chapter 9, Article 9.5 of this Code.

SECTION 9.4.004 - REVIEW AND DECISION

For actions under Section 9.4.002, the City Council must receive recommendations from the Planning Commission. The City Council shall conduct a de-novo public hearing to review the above applications, except E and G. The Council may approve the application or proposed policy as initially submitted, or it may disapprove the application or policy stating its reasons therefore. The Council may continue its public hearing where it reasonably appears that additional testimony needs to be taken. The Council shall make its decision at the time of the public hearing, but in the event more time is needed, the Council shall have a maximum of forty-five (45) days to hold an additional public hearing for such decision, so long as the total time required to process the land use application is less than one hundred twenty (120) days from the date the submittal is deemed complete., except as provided in ORS 227.178 (7). [Ord. 3006, Feb. 5, 2003]

SECTION 9.4.005 - APPEAL

A decision of the City Council shall be final unless appealed to the Land Use Board of Appeals in accordance with Oregon Law. If the property subject to the appeal is within the Urban Growth Area, the decision of the City Council may be appealed to the Union County Board of Commissioners in accordance with the Joint Management Agreement and Union County Ordinance. [Ord. 2989, Dec. 5, 2001]

ARTICLE 9.5 - PUBLIC HEARINGS

SECTION 9.5.001 - RESPONSIBILITY OF COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION

The Community Development Department/Planning Division shall perform the following duties pertaining to a hearing, all in accordance with other provisions of this Code.

A. Upon receipt of a complete application for a Land Use and Development or policy decision requiring a public hearing, the Community Development Department/Planning Division shall schedule a date for a public hearing. All such applications must be received and deemed complete by the Community Development Department/Planning Division in advance of any public notice deadlines for the regular monthly hearing or special hearing at which consideration is requested. The Community Development Department/Planning Division may schedule special hearings as warranted by the agenda loads of regular hearings. [Ord. 2989, Dec. 5, 2001]

B. Conduct the correspondence of the hearing body.

C. Give notice in accordance with Article 9.6 of this Chapter.

D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearing body.

E. Prepare minutes to include the decision on the matter heard and the reasons for the decision.

F. Reduce the decisions of the hearings body to writing within a reasonable time.

G. Mail a copy of the decision to all parties to a hearing or review.

SECTION 9.5.002 - CHALLENGES TO IMPARTIALITY

A party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The challenge shall be incorporated into the record of the hearing.

SECTION 9.5.003 - DISQUALIFICATION

Pursuant to ORS 227.035 no member of a hearing body shall participate in a discussion of the proposal, or vote on the proposal when any of the following conditions exist:

A. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

B. The member owns property within the area entitled to receive notice of the public hearing.

C. The member has a direct private interest in the proposal.

D. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

SECTION 9.5.004 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

No officer or employee of the City of La Grande who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

SECTION 9.5.005 - EX PARTE CONTACTS (QUASI-JUDICIAL HEARING)

The general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by the hearing body. Hearing body members shall reveal any written or oral prehearing or ex parte contact with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Section 9.5.006. Communication with City staff is not ex parte contact.

SECTION 9.5.006 - ABSTENTION OR DISQUALIFICATION

Abstention or disqualification shall be the member's own judgement. A member seeking disqualification may not vote on the motion.

SECTION 9.5.007 - RIGHTS OF DISQUALIFIED MEMBER OF THE HEARING BODY

A. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.

B. If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.

C. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

SECTION 9.5.008 - BURDEN AND NATURE OF PROOF

The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and to applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

A. Mistake in the original designation or provision.

B. Change of conditions within the vicinity in which the development is proposed.

SECTION 9.5.009 - ORDER OF PROCEEDINGS

An Order of Proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

A. Before receiving information on the issue, the Order of Proceedings shall be read into the record and the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.

2. Any abstentions or disqualifications shall be determined.

B. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:

1. Provisions of the charter or state law or of an Ordinance, Resolution, Order, rule, or officially promulgated Policy of the City of La Grande.

2. Other public records and facts.

C. Matter officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in Subsection B of this Section if stated for the record. Any matter given official notice may be rebutted.

D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of the viewing in the record.

E. Information shall be received from the Staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

F. The presiding officer may establish time limits for oral testimony.

G. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

H. All evidence, testimony, deliberations, and decisions shall be made before the public, recorded, and made a part of the record.

SECTION 9.5.010 - DECISION

Following the hearing procedure described in Section 9.5.009, the hearing body shall make a decision to approve or deny the application. If the hearing is in the nature of an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. A decision on an application or appeal shall be made within thirty (30) days of the final hearing on the matter, except that with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed one hundred-twenty

(120) days from the date the application is deemed to be complete, unless an extension is requested by the applicant, except as provided in ORS 227.178(7). [Ord. 3006, Feb. 5, 2003]

SECTION 9.5.011 - PREPARATION OF FINDINGS AND ORDER

The Community Development Director/Planner shall prepare and present findings of facts and an Order which shall include:

A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.

B. A statement of the facts which the hearing body found established compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.

C. The reasons for a conclusion to approve or deny.

D. The decision to deny or approve the proposed change with or without conditions.

E. The final Order shall be filed with the Community Development Department/Planning Division, and a copy mailed to the applicant at the address indicated on the application and to other parties to the hearing requesting a copy.

F. The hearing body shall make a final decision by approving, denying, or modifying the Findings of Facts and Order.

SECTION 9.5.012 - RECORD OF PROCEEDINGS

The Secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

A. Testimony shall be transcribed verbatim if required for judicial review or if ordered by the hearing body, at an additional cost.

B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of the proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.

C. The findings of fact and Order shall be included in the record.

D. A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to copies of the record at the person's own expense.

ARTICLE 9.6 - NOTICE OF HEARING

SECTION 9.6.001 - TIME AND METHOD OF PUBLIC NOTICE

A. Legislative Hearings

Notices of public hearings on legislative matters shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the City of La Grande at least twenty (20) days but not more than forty (40) days before the hearing. Notice shall be mailed to all property owners in the City if the proposal constitutes a "Measure 56 Rezoning".

B. Quasi-Judicial Hearings

Notices of public hearings for quasi-judicial land use hearings shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the City of La Grande at least ten (10) days prior to the hearing. In addition, notice of the hearing shall be provided to the applicant and to the owners of record of property as shown on the most recent property tax assessment roll provided by Union County, where the property is located within one hundred feet (100') of the property which is the subject of the notice. The notice shall be mailed at least twenty (20) days before the first public hearing, or if two or more public hearings are allowed, ten (10) days before the first public hearing, and shall: [Ord. 2989, Dec. 5, 2001; Ord. 3047, July 12, 2006]

1. Explain the nature of the application and proposed use or uses which could be authorized.

2. List the applicable criteria from the Ordinance and the Plan that apply to the application.

3. Set forth the street address or other easily understood geographical reference to the subject property.

4. State the date, time, and location of the hearing.

5. State that failure to raise an issue by the close of the record at, or following the final evidentiary hearing at the Planning Commission level, in person or by letter, precludes appeal to the City Council, or ultimately LUBA based on that issue.

6. State that failure to provide sufficient specificity to afford the decision maker at the Planning Commission level an opportunity to respond to an issue that is raised precludes appeal to the City Council and, ultimately, to LUBA based on that issue.

7. Include the name of a local government representative to contact and a telephone number where additional information may be obtained.

8. State that a copy of: (1) the application, (2) all documents and evidence relied upon by the applicant, and; (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

9. State that a copy of the Staff Report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.

10. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

C. Amendments to Limited Use Designations
In addition to the notification requirements in Subsection B Quasi-Judicial Hearings, notices shall be given to the Oregon Department of Transportation and the Department of Land Conservation and Development pertaining to any amendments to Limited Use (LU) designations within the Urban Growth Area.

D. Failure of a person to receive the notice prescribed in this Section shall not impair the validity of a hearing, nor the validity of the action taken.

E. Upon completion of publication of this notice as provided for in Subsection A, or completion of the publication and mailing of the notices as provided in Subsection B hereof, the Secretary of the body conducting the hearing shall cause an affidavit of such mailing or publication to be filed in the permanent records of the particular proceedings to which such notices pertain.

SECTION 9.6.002 - COST OF NOTICE
The cost of notice required by this Code shall be included in the application fees.

ARTICLE 9.7 - APPEAL OF DECISIONS

SECTION 9.7.001 - PURPOSE

The purpose of this Article is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 8 of this Code.

SECTION 9.7.002 - APPEAL AUTHORITY

A. Decisions reached by the following review authorities pursuant to Chapter 8 shall be subject to appeal to the authority shown:

1. Community Development Department/Planning Division/Community Development Director/Planner - Decision may be appealed to the Planning Commission.

2. Planning Commission - Decision may be appealed to the City Council

3. City Council - Decision may be appealed to the Land Use Board of Appeals (LUBA).

B. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof, only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant, and that the condition causing the difficulty was not created by the applicant.

SECTION 9.7.003 - STANDING TO APPEAL

To have standing to appeal, persons must participate either orally or in writing at the public hearing.

SECTION 9.7.004 - INITIATION OF APPEAL

A decision of a review authority pursuant to Chapter 8 shall be appealed by a party with standing within the time limits prescribed in Chapter 9 of this Code. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department/Planning Division, shown in the City of La Grande Standards, Specifications and Guidelines Manual, shall include any such information as listed on the application submittal checklist and contain the following:

A. A concise description of the land use decision sought to be reviewed, including the date of decision.

B. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.

C. The grounds relied upon for review.

SECTION 9.7.005 - SCOPE OF REVIEW ON APPEAL

All appeals to the Planning Commission or City Council shall include a de novo evidentiary hearing. [Ord. 2989, Dec. 5, 2001]

SECTION 9.7.006 - REVIEW OF THE RECORD

A. When an appeal is scheduled for hearing by the Planning Commission or City Council, the Community Development Department/Planning Division shall prepare and transmit the Record, which shall include: [Ord. 2989, Dec. 5, 2001]

1. Findings prepared by the Community Development Department/Planning Division or the Order adopted by the Planning Commission. [Ord. 3006, Feb. 5, 2003]

2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

3. Minutes of any hearing or meeting during which the matter was discussed. [Ord. 3006, Feb. 5, 2003]

B. The appeal authority shall make its decision based upon the Record and the testimony received during the hearing. [Ord. 2989, Dec. 5, 2001]

SECTION 9.7.007 - NOTICE OF APPEAL HEARING

Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.

SECTION 9.7.008 - APPEAL AUTHORITY DECISION

A. Upon review, the appeal authority may by Order remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Order, shall set forth its findings and state its reasons for taking the action encompassed in the Order. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.

B. Action by the appeal authority shall be decided by a majority vote of a quorum of the hearing body. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Findings of Fact and an Order shall be prepared in accordance with Section 9.5.011.

CHAPTER 10 - ADMINISTRATION AND ENFORCEMENT

ARTICLE 10.1 - ADMINISTRATION

SECTION 10.1.001 - SCOPE AND COMPLIANCE

A. Proposed Uses - The provisions of this Code are applicable to all lots, buildings, and structures and uses of land to be created, established, constructed or altered subsequent to the adoption of this Code unless specifically exempted by this Section.

B. Existing Uses - The provisions of this Code are not retroactive in their effect on a use of land lawfully established on the date of adoption of this Code, unless an alteration, expansion or modification to an existing use is proposed which requires a land use decision pursuant to this Code. All Variances, Conditional Use Permits, or other permits granted pursuant to the provisions of duly enacted Ordinances shall remain in effect and shall be subject to all the conditions and provisions governing such Variances, Conditional Use Permits or other permits, unless otherwise revoked, pursuant to applicable provisions contained herein.

C. Compliance with Conditions – Conditions imposed upon any land use permit governed by this Code may be incorporated into a "Developer Agreement" which shall be binding on the property owner and the owner's heirs and assigns as a continuing obligation running with the property which is the subject of such permit authorization. The Community Development Director/Planner is authorized to execute such agreements on behalf of the City.

SECTION 10.1.002 - CONSISTENCY WITH PLANS AND LAWS

A. Actions initiated under this Code shall be consistent with the adopted La Grande Comprehensive Plan, the Joint Management Agreement between the City of La Grande and Union County, and with applicable City, County, State, and Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

B. Whenever reference is made to any portion of this Code, or of any other law or Ordinances, the reference shall apply to all amendments and additions now or hereafter made.

C. If any provisions or portions of any provisions of this Code, or the application thereof to any property or person are held invalid, the remainder of the Code and the application of such provision to other persons or lands shall not be affected.

D. The rights granted by any Variances, Conditional Use Permit, Temporary Use Permit, or Building Permit pursuant to any Ordinances repealed by this Code shall not be affected by such repeal, however, such permit or approval shall be contained or maintained in accordance with the provisions of this Code.

E. Any use established or conducted, or any building or structure existing in violation of any duly enacted Ordinance upon the effective date of this Code, shall not be deemed to have acquired status of rights of a Non-Conforming classification by reason of the adoption of this Code or any provisions thereof. To the extent that such use, building or structure was in violation of such

Ordinance, statute or law, or in violation of this Code, such shall be deemed a continuing violation.

F. Consistency with Plans and Laws - Standards and conditions contained herein have been reviewed and deemed consistent with plan policies contained in the general Comprehensive Plan. Findings addressing plan policies are, therefore, not required for applications submitted under this Code which do not require plan change or Ordinance amendment.

G. Except as provided under ORS 227.178, a City shall take final action on all Zone Change applications, Conditional Use Permit and Variances, including resolution of all Appeals to the City Council under ORS 227.180, within one hundred twenty (120) days from the date the completed application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred twenty (120) day time period will commence on the date the application is complete.

SECTION 10.1.003 - OFFICIAL ZONING MAPS

In the various zones defined in this Code and denoted on the Official Zoning Map (or maps) of the City of La Grande, the following provisions shall apply:

A. Where boundaries are indicated as approximately following lot lines, rights-of-way of highways, streets, alleys, roads, canals, railroads, or contours and the like, such lines shall be construed to be such boundaries. When a zone boundary divides a parcel ten thousand (10,000) square feet or less in size, the entire parcel shall be deemed to be in the zone in which a majority of the parcel lies. When such a parcel is equally split between zones, the parcel shall be deemed to be in the zone of least intensity, as determined by the Community Development Director/Planner. Zoning of parcels over ten thousand (10,000) square feet in size shall be strictly construed based on the boundary depicted on the official Zoning Map.

B. In the case of unsubdivided property where a zone boundary; divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the Community Development Director/Planner.

C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street, or alley shall have applied thereto the same zone as that of the property to which it reverts. Existing or functioning highway and road right-of-ways and areas used primarily for automobile and truck transportation shall be deemed to permit the continued use as such, as well as other uses supportive of the primary use.

D. Railroad rights-of-way and areas used solely for the purpose of accommodating tracks, signals and other operative devices and the movement or rolling stock shall be deemed to be zoned to permit the continued use as such, as well as other uses supportive of the primary use.

E. Easements or land areas used solely for electric power lines and poles, telephone lines and poles and gas transmission lines shall be deemed to be zoned to permit the continued use as such.

F. Upon application, all contiguous lands under one ownership and used as of the effective date of the Code in conjunction with a higher use shall be zoned with the higher use. The application shall be reviewed by the Planning Commission as a zone correction per Article 8.6 of this Code.

SECTION 10.1.004 - FEES REQUIRED

Any application for a land use or development decision shall be accompanied by a fee when prescribed by this Code, the amount of which fee shall be adopted by Resolution of the City Council.

SECTION 10.1.005 - RULES OF INTERPRETATION

A. Effect of Provisions

1. Minimum Requirements - The regulations and standards set forth in this Code are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code.

2. Effect Upon Private Agreements - It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land than are imposed or required by other Ordinances, rules, or regulations, these regulations shall control. The City cannot enforce private agreements.

B. Language

1. Construction - When used in this Code, the words "must," "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; the future tense includes the present. The singular number includes the plural, and the plural the singular.

2. Time of Day - Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval or notice issued or given as set forth in this Code, such hour shall be standard time or daylight savings time, whichever is in current use in the City.

3. Number of Days - Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as set forth in this Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.

4. Rounding of Quantities - Whenever this Code requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

5. Gender - Whenever this Code refers to the male sex, e.g. "he," "him," or "his," it shall be interpreted to include the female form of the pronoun.

C. Procedure of Interpretation - If questions arise from persons or bodies charged with administering this Code concerning the content or application of the text of the Land Development Code, it is the duty of the City of La Grande Legal Counsel to ascertain all pertinent facts, and make a determination, within a reasonable time frame.

ARTICLE 10.2 - ENFORCEMENT

SECTION 10.2.001 - PURPOSE

This Article establishes procedures for enforcement of the provisions of this Code. The enforcement procedures set forth are intended to assure due process of law for violations of those codes.

SECTION 10.2.002 - ENFORCEMENT RESPONSIBILITY

The responsibility for the enforcement of the provisions of the Land Development Code is assigned as follows:

A. City Police Department - It is the duty of the City Police Department and of all officers of the City otherwise charged by law to enforce this Code and all its provisions, by issuance of citations if necessary.

B. Code Enforcement Officers - The Community Development Director/Planner, City Manager, Public Works Director, Building Official, Police Chief, and Fire Chief, are to act as the Code Enforcement Officers, to enforce this Code, and all their provisions. The Code Enforcement Officer has the following responsibilities and powers in the enforcement of this title.

1. To review with affected individuals the provisions of applicable City Ordinances through initiation of administrative hearings and other methods to support voluntary compliance with its provisions.

2. To initiate all necessary proceedings to forfeit bond or cash deposits.

3. Assist the City Police Department with issuance of citations for violations of applicable Ordinances, by preparing the written report.

4. To initiate proceedings to revoke approvals granted under this Code.

SECTION 10.2.003 - CITATION

The City Police Department may issue a citation to any person who violates any of the provisions of the City's applicable Ordinances or of this Code upon request of the Code Enforcement Officer. Penalties for violation shall be in accordance with Section 10.2.010 of this Code.

SECTION 10.2.004 - REVOCATION OF APPROVAL AND FORFEITURE OF BONDS

The Code Enforcement Officer may initiate proceedings by citation to appear to revoke the approval of any permit or land use approval issued pursuant to this Code in any case where a use of land has been established or conducted in a manner which violates or fails to observe the provisions of this Code or a condition of approval.

The Code Enforcement Officer may initiate procedure to forfeit all or a portion of a bond or cash deposit when such exists.

SECTION 10.2.005 - PROCEDURES

A. Alleged violators shall be notified in writing at least two (2) times within thirty (30) days for a violation of this Ordinance by regular mail and by certified mail, postage prepaid, return receipt

requested to the owner of the affected property. A citation may be issued with the second notice in accordance with Section 10.2.006. Reoccurring violations within a two (2) year period shall be served a citation in accordance with Section 10.2.006 on the first notice and shall be subject to penalties described in Section 10.2.010. Such notification shall contain the following: [Ord. 3006, Feb. 5, 2003]

1. Statement "RE: _____(Ordinance Type)_____ Violation at Property Located at ___(Description of Property)_____"

2. A description of the real property, by street address, and assessor map description, on which the violation exists.

3. A list of the provisions of this Code and/or conditions violated and the means to correct such violation(s), if any.

4. A direction to correct the violation within ten (10) days from the date of the notice.

5. A statement that failure to correct the violation may result with issuance of a citation and the required penalties for non-compliance.

B. The Code Enforcement Officer is to notify the person posting the bond or cash deposit of the intention to cause forfeiture of the bond or deposit at least twenty (20) days prior to a forfeiture hearing. Such notice is to contain the following:

1. Statement "RE: Forfeiture Hearing for Improvements for _____(Name of Development)___, File Number _____, at Property Located at (Description of Property)_____"

2. A description of the real property, by street address, and assessor map description.

3. The reasons for seeking forfeiture and the remedial action required by the person posting the bond or deposit.

4. The date, time and place of the forfeiture hearing.

5. The required penalties for non-compliance.

SECTION 10.2.006 - SERVICE OF CITATION

Any notice required by the provisions of this Chapter is to be given by the City Police Department or a Code Enforcement Officer.

A. A copy of the citation is to be either served personally or by mail, postage prepaid, certified mail, return receipt requested, to the owner of the affected premises as shown on the last equalized assessment role. If no address can be found or is known to the Code Enforcement Officer, then the citation is to be mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive the citation does not affect the validity of any proceedings taken hereunder.

B. A copy of the notice will be forwarded to District Court for docketing.

SECTION 10.2.007 - DISMISSAL OF CITATION
Where a citation has been served pursuant to Section 10.2.003 and the Community Development Director/Planner has determined that the owner of an affected premises has corrected the condition which was the basis for initiation of enforcement action, the City Police Department shall dismiss the first Citation.

SECTION 10.2.008 - INTERFERENCE PROHIBITED
No person shall hinder, interfere with or impede the Code Enforcement Officer or the Police Department in the performance of duties assigned by the Code, or other codes and Ordinances of the City.

SECTION 10.2.009 - PROHIBITIONS
No person, firm, corporation or other entity shall locate, construct, maintain, repair, alter, or use a building or other structure or use, or transfer land, in violation of this Code and other applicable Ordinances.

SECTION 10.2.010 - PENALTIES
Any person, firm, corporation or other entity who upon conviction of violation of any of the provisions of this Code, shall be punished by a fine not less than TWENTY-FIVE AND NO/100 DOLLARS ($25.00) and not exceeding FIVE HUNDRED AND NO/100 DOLLARS ($500.00) for each day of violation where the violation is a continuing one but such fine may not exceed FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) or a fine of ONE THOUSAND AND NO/100 DOLLARS ($1,000.00) where the violation is not a continuing one. City Municipal Court, County District Court and County Circuit Court shall have concurrent jurisdiction over prosecutions for violations of this Code.

SECTION 10.2.011 - CIVIL RELIEF
When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is or is proposed to be used in violation of this Code, the City Council, the District Attorney or any person whose interest in real property within the City is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent temporarily or permanently enjoin, abate, or remove the unlawful location, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertakings as provided under ORS 32.010 to 32.060. In addition to the actions defined herein, the prevailing party may recover all reasonable abatement and court costs and attorney's fees.

ARTICLE 10.3 - GENERAL PROVISIONS

SECTION 10.3.001 - ENFORCEMENT

In the event that there is no Community Development Director/Planner, the City Manager or his designee shall have authority to enforce the provisions of this Ordinance.

SECTION 10.3.002 - FILING FEE REFUNDS, WITHDRAWALS, AND WAIVERS

A. Filing fees are utilized to cover the cost of public hearings, mailings, postings, transcripts, and Staff time involved in processing applications. As such, refunds due to denials are not permitted.

B. In case of withdrawal, the Community Development Department/Planning Division shall authorize a refund based on the pro-rata cost and determination of the status of the application at the time of withdrawal.

C. It is the policy of the City of La Grande to not waive filing fees.

SECTION 10.3.003 – ORDINANCE SEVERABILITY CLAUSE AND EFFECTIVE DATE

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon and its approval by the Mayor; specifically, August 11, 2006.

ADOPTED this Twelfth (12th) day of July, 2006, by seven (7) of seven (7) Councilors present voting therefore.

APPROVED this Twelfth (12th) day of July, 2006.

Colleen F. Johnson, Mayor

ATTEST:

Alexandra Norgan Lund, City Recorder

APPROVED AS TO FORM AND CONTENT:

for Ricker and Roberson, City Attorneys