

City of St. Helens

Community Development Code

Table of Chapters

Chapter: Title:

- [1.010 Introductory Provisions](#)
- [1.020 Amendments to the Code and Zone District Maps](#)
- [1.030 Enforcement](#)
- [1.040 General and Land Use Definitions](#)
- [1.060 Procedures for Decision Making: Legislative](#)
- [1.070 Procedures for Decision Making: Quasi-Judicial](#)
- [1.075 Annexation](#)
- [1.080 Zones and Uses](#)
- [1.090 Historic Sites and Overlay District](#)
- [1.091 Protective Measures for Significant Wetlands, Riparian Corridors, and Protection Zones](#)
- [1.092 Sensitive Lands](#)
- [1.096 Solar Access Requirements](#) [Figures](#)
- [1.098 Environmental Performance Standards](#)
- [1.100 Density Computations](#)
- [1.102 Manufactured/Mobile Home Regulations](#)
- [1.104 Additional Yard Setback Requirements and Exceptions](#)
- [1.106 Building Height Limitations: Exceptions](#)
- [1.108 Landscaping and Screening](#) [Buffer Matrix](#)
- [1.110 Visual Clearance Areas](#)
- [1.114 Off-Street Parking and Loading Requirements](#)
- [1.116 Access, Egress, and Circulation](#)
- [1.122 Signs](#)
- [1.124 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings](#)
- [1.128 Site Development Review](#)
- [1.140 Conditional Use](#)
- [1.142 Nonconforming Situations](#)
- [1.144 Variance](#)
- [1.150 Established Area: Developing Area Classification](#)
- [1.152 Temporary Uses](#)
- [1.154 Home Occupations](#)
- [1.156 Accessory Structures](#)
- [1.158 Auxiliary Dwelling Units](#)
- [1.160 Tree Removal](#)

- [1.170 Land Division: Subdivision](#)
- [1.172 Land Division: Land Partitioning—Lot Line Adjustment](#)
- [1.176 Expedited Land Divisions](#)
- [1.180 Planned Development](#)
- [1.184 Street and Utility Improvements Standards](#)

Chapter 1.010 INTRODUCTORY PROVISIONS.

Sections:

- 1.010.010 Title.**
- 1.010.020 Purposes.**
- 1.010.030 Severability.**
- 1.010.040 Compliance and Scope.**
- 1.010.050 Consistency With the Plan and Laws.**
- 1.010.060 Use of a Development.**
- 1.010.070 Pre-existing Approvals.**
- 1.010.080 Certificate of Occupancy/Compliance.**
- 1.010.090 Official Action.**

1.010.010 Title.

This ordinance, No. 2875, shall be known as the *Community Development Code* and may be so cited and pleaded, and shall be referred to herein as *this Code*.

1.010.020 Purposes.

As a means of promoting the general health, safety, and welfare of the public, this Code is designed to set forth the standards and procedures governing the development and use of land in the City of St. Helens and to implement the St. Helens Comprehensive Plan. To these ends, it is the purpose of this Code to:

- A. To encourage the most appropriate use of land throughout the City and to arrange the uses which are made of land so that they:
 - 1. are orderly, convenient, and suitably related to each other;
 - 2. are suitably related to the characteristics of the natural environment;
 - 3. fulfill the needs of the people served; and
 - 4. maximize the conservation of energy.
- B. To guide and manage growth and minimize its possible adverse impacts.
- C. To allot sufficient lands for urban development to meet future needs.

- D. To promote a coordinated development of unbuilt areas.
- E. To create and maintain residential living areas which are safe, convenient, and attractive and which make a positive contribution to the quality of life and personal satisfaction of residents.
- F. To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the communities.
- G. To establish industrial areas which are suitable for their purpose, properly located, and adequate for future needs.
- H. To locate public and semi-public developments so that they encourage a pattern of land development that benefits the whole community.
- I. To develop buffer areas between incompatible uses of land and require appropriate screening around unsightly structures or activities.
- J. To protect open spaces for future generations.
- K. To protect life and property from natural disasters and hazards.
- L. To promote the adequate provision of public services and facilities.
- M. To promote and encourage a safe and convenient transportation system.
- N. To stimulate and diversify the economy.
- O. To promote housing that meets the basic needs of local residents.
- P. To preserve our natural and man-made resources.
- Q. To promote a quality of life that reflects the wants of the citizenry.
- R. To conserve energy and use renewable energy resources.

1.010.030 Severability.

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

1.010.040 Compliance and Scope.

- A. Except as otherwise specifically provided by this Code, no building or other structure shall be constructed, improved, altered, enlarged, or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this Code, except in conformity with conditions prescribed for each of the several zones and general regulations established hereunder (also see 1.030.010).
- B. It shall be unlawful for any person to erect, construct, establish, occupy, alter, enlarge, or use, or cause to be used, any building, structure, improvement, or use of premises located in any zone described in this Code contrary to the provisions of this Code. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations or code provisions, the provisions of this Code shall control.
- C. No lot area, yards, other open space or off-street parking or loading area existing on or after the effective date of this Code shall be reduced below the minimum required for it by this Code. No fee conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum requirements of this Code.
- D. No lot area, yard, or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard, or other open space or off-street parking or loading area for another use, except as provided in Chapter 1.114.

1.010.050 Consistency With the Plan and Laws.

Each development and use application and other procedures initiated under this Code shall be consistent with the adopted Comprehensive Plan that the City of St. Helens has implemented by this code and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted Comprehensive Plan.

1.010.060 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged, and intended, or which is a continuing nonconforming use.

1.010.070 Pre-existing Approvals.

- A. Planned developments, including the approved density, subdivisions, projects requiring site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals.
- B. All development proposals received by the Director after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.010.080 Certificate of Occupancy/Compliance.

- A. In order to ensure completion of the work in the manner and at the time approved, the structure or use shall not be used or occupied for the purposes set forth in the building permit application until the City has issued a certificate of occupancy/ compliance following completion of the work and substantial conformance to the permit.
- B. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a certain date.

1.010.090 Official Action.

- A. All officials, departments, and employees of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this code.
- B. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.

Chapter 1.020 AMENDMENTS TO THE CODE AND ZONE DISTRICT MAPS.

Sections:

- 1.020.010 Purpose.**
- 1.020.020 Legislative Amendments.**
- 1.020.030 Quasi-Judicial Amendments and Procedures.**
- 1.020.040 Quasi-Judicial Amendments and Standards.**
- 1.020.050 Conditions of Approval.**

1.020.010 Purpose.

The purpose of this chapter is to set forth the standards and purpose governing legislative and quasi-judicial amendments to this Code and the zoning district map. Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law.

1.020.020 Legislative Amendments.

Legislative amendments to this Code and to the Zoning Map shall be in accordance with the procedures and standards as set forth in Chapter 1.060 of this Code.

1.020.030 Quasi-Judicial Amendments and Procedures.

Quasi-judicial amendments to this Code and to the Zoning Map shall be in accordance with the procedures set forth in this Code and the following:

- A. The Planning Commission shall make recommendations to the City Council on zone change applications which do not involve Comprehensive Plan amendments as provided by Chapter 1.070.
- B. The Planning Commission shall make a recommendation to the Council on an application for a Comprehensive Plan amendment; and
- C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan map amendment.

1.020.040 Quasi-Judicial Amendments and Standards.

- A. Quasi-judicial amendments and standards for making decisions.
1. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on ALL of the following standards:
 - a. The applicable Comprehensive Plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - b. The applicable Oregon Statewide Planning Goals adopted under Oregon Revised Statutes Chapter 197, until acknowledgment of the Comprehensive Plan and ordinances; and
 - c. The standards applicable of any provision of this Code or other applicable implementing ordinance.
 2. Consideration may also be given to:
 - a. Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or zoning map as it relates to the property which is the subject of the development application.

1.020.050 Conditions of Approval.

- A. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 1.070.250.
- B. A legislative decision may be approved, approved with modifications, or not approved.

Chapter 1.030 ENFORCEMENT.

Sections:

- 1.030.010 Provisions of This Code Declared to be Minimum Requirements.**
- 1.030.020 Violation of the Code Prohibited.**
- 1.030.030 Penalty.**
- 1.030.040 Complaints Regarding Violations.**
- 1.030.050 Inspection and Right of Entry.**
- 1.030.060 Abatement of Violations.**

1.030.010 Provisions of This Code Declared to be Minimum Requirements.

In the interpretation and application, the provisions of this Code shall be held to be the minimum requirements, adopted for the protection of the public health, safety, and general welfare. Whenever the requirements of this Code are at variance with other provisions of this Code, or with the requirements of any other adopted City rules, regulations, or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

1.030.020 Violation of the Code Prohibited.

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto. No public right of way shall be used for any use without the consent or approval of the City Council.

1.030.030 Penalty.

- A. A violation of this Code or development contrary to any permit approval, or approval conditions arising out of this Code, shall carry penalties as follows:
 - 1. Class I Violation: any person intentionally or knowingly violating any provision of this Code, shall be guilty of a Class C misdemeanor which carries a maximum fine of \$1,000 and/or thirty days in jail.
 - 2. Class II Violation: any person violating any provision of this Code shall be guilty of a Class A infraction which carries a maximum fine of \$700.
 - 3. A violation of any provision of this Code shall be considered a separate offense for each day the violation continues.

4. A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
5. The above are not intended to violate State and Federal Laws.

1.030.040 Complaints Regarding Violations.

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint. Such complaints, stating fully the causes and bases thereof, shall be filed with the Planning Director or designee. The Planning Director shall record properly such complaints, investigate and take action thereon as provided by this Code.

1.030.050 Inspection and Right of Entry.

Whenever the Planning Director has reasonable cause to suspect a violation of any provision of this chapter exists; or when necessary to investigate an application for, or revocation of, any approval under any of the procedures described in this Code, the Planning Director may enter on any site or into any structure for the purposes of investigation, provided that no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises, if other than the owner. If consent cannot be obtained, the Planning Director shall secure a search warrant from the City's Municipal Court before further attempts to gain entry, and shall have recourse to every other remedy provided by law to secure entry.

1.030.060 Abatement of Violations.

- A. Any development or use which occurs contrary to the provisions of this Code, or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.
- B. Violations of this Community Development Code may be prosecuted pursuant to general code enforcement procedures for ordinance violations as provided in the general ordinances of the City of St. Helens, Oregon (St. Helens Municipal Code).

Chapter 1.040 GENERAL AND LAND USE DEFINITIONS.

Words used in this development code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the development code are as follows:

Abandonment	The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
Abut/Abutting	Adjacent/adjoining or contiguous; to physically touch or border upon; or to share a common property line.
Accept	To receive as complete and in compliance with all submittal requirements.
Access	A way or means of approach to provide physical entrance to a property.
Accessory Building	A detached subordinate building, the use of which is clearly incidental to that of the main building or to the main use of the land and which is located on the same tract with the building or use.
Accessory Structure	A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure.
Accessory Dwelling Unit	See Auxiliary Dwelling Unit.
Accessory Use	A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.
Addition	A modification to an existing building or structure which increases the site coverage.
Administrative Action	A quasi-judicial action, including: (a) an action conducted pursuant to a portion of the St. Helens community development code in which the legal rights, duties, or privileges of specific parties are determined, and any appeal or review therefrom; (b) a comprehensive plan map change for a small tract of land; or (c)

	any other proceedings as provided by ordinance, rule, or resolution adopted by the Council.
Administrator	The City Administrator of St. Helens, Oregon, or a duly authorized representative.
Adult Entertainment	See Section 1.140.150.
Adult Foster Home	Any private or public institution maintained and operated for the care, boarding, housing or training of 5 or fewer physically, mentally or socially handicapped or delinquent, elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage or legal adoption to such persons and excluding foster care of children; same use as Dwelling Unit. See Residential Home.
Advance Financing District	A financing district established by the St. Helens City Council to reimburse the developer by future and intervening property in accordance with St. Helens Ordinance 2642.
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 products raised on such farm for man's use and animal use and disposal by marketing or otherwise.
Agricultural Sales	Sale of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries, hay, feed, and grain stores.
Agricultural Services	Establishments or places of business engaged in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree and lawn service firms.
Agriculture	See Farm Use, Forest Use.
Aisle	The traveled way by which vehicles enter and depart parking spaces.

Alteration	A change in construction or a change of or in occupancy classification. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of or in occupancy from one trade or use to another or from one division of trade or use to another. Applied to land it means grading in excess of 10 cubic yards of land or removal of live healthy trees in excess of 6 inches in diameter at 4 feet high.
Amendment	A change in the wording, context, or substance of this code or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.
Amusement Services	Establishments engaged in providing amusement or entertainment for a fee or admission charge and including such activities as dance halls; studios; bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, race-tracks, public golf courses and coin-operated games; amusement parks; amusement and bathing beaches; riding academies; carnival operations; expositions; game parlors and horse shows.
Animal Hospital	A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. See Animal Sales and Services, Veterinary.
Animal Kennel	Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain. See Animal Sales and Services.
Animal Sales Services	Establishments or places of business primarily engaged in and animal related sales and services. The following are animal sales and services use types: <i>Animal Sales and Services, Grooming:</i> Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops. <i>Animal Sales and Services, Kennels:</i> Kennel services for dogs, cats, and similar small animals. Typical uses for a business venture include boarding kennels or dog training centers.

	<p><i>Animal Sales and Services, Veterinary (Large Animals):</i> Veterinary services for large animals. Typical uses include animal hospitals for large animals (horses, sheep) or veterinary hospitals for large animals.</p> <p><i>Animal Sales and Services, Veterinary (Small Animals):</i> Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals for small animals.</p>
Annexation	The incorporation of a land area into St. Helens with a resulting change in the boundaries.
Apartment Unit	See Dwelling: Multi-Dwelling Unit, Apartment (Multi-Family).
Applicant	A person submitting an application for development.
Application	Materials submitted as required by Code.
Approval Authority	The agency, board, group or other legally designated individual or authority, such as Director, Planning Commission, City Council, which has been charged with review and approval of plans and applications.
Arcade	See Amusement Services.
Archaeological Site	Land or water areas which show evidence or artifacts of human, plant, or animal activity, usually dating from periods of which only vestiges remain.
Assisted Living	See Congregate Housing.
Attached Housing	2 or more primary buildings placed side by side, so that some structural parts are touching one another, located on a lot or portion thereof.
Auto Wrecker Yard	Any property where 2 or more motor vehicles are not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof. See Junkyard.
Automobile Service Station	Any building, land area or other premises, or portions thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and

	installation of lubricants, tires, batteries and similar accessories (also Service Station or Gasoline Station).
Auxiliary or Accessory Dwelling Unit	See Dwelling, Auxiliary or Accessory, and Chapter 1.158.
Awning	A roof-like cover that is <u>temporary</u> in nature and that projects from a wall of a building for the purpose of shielding a doorway or window from the elements.
Balcony	Projection from a house not touching the ground.
Bar	A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink. (In developing zoning regulations to regulate bars, a distinction is often made between bars that have live entertainment and those that do not. Those with live entertainment require considerably more parking and additional setbacks because of noise. Many bars also possess licenses which permit them to sell bottled goods. This is usually accessory to the principal use of dispensing liquor by the drink.)
Base Flood	The flood having a 1 percent chance of being equaled or exceeded in any given year. Also referred to as the <i>100-year flood</i> .
Base Flood Elevation	The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.
Basement	A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground with a floor-to-ceiling height of not less than 6 feet 6 inches
Bed & Breakfast	See Homestay.
Bike Path	A way designed for and improved with a hard surface, and signed for use by bicycle traffic.
Boarding Home or House	A building or premises where meals and lodging are offered for compensation for not more than 3 persons and having no more than 5 rooms for this purpose. See Lodging Facilities. (also Rooming House)

Boat Dock	A structure built along the shore of a river, lake, canal, or navigable stream for use by boats for moorage and loading and unloading passengers and materials.
Boat House	Any structure supported wholly or partially by flotation, used wholly or partially to house boat(s).
Broadcasting Facility	Facility in which radio frequency signals are transmitted and/or received for establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Typical uses include television studio, telecommunication service center, telegraph service office, or internet service center.
Buildable Lot	A lot which meets the area and dimensional requirements of the underlying zone and is not constricted by hazards or significant resources protection. (See OAR 660.04.000)
Building	Any structure having a roof supported by columns or walls and intended to shelter, house, or enclose any individual, animal, process, equipment, goods, or materials of any kind or nature. An element of time is also included in this definition.
Building Envelope	That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.
Building Height	The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.
Building Line	A line that coincides with the front side of the main building, exclusive of eaves. Porches, but not steps, and any other attached appurtenances (things attached to the house) shall be included as part of the main building.
Building Maintenance Services	The provision of maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Official	An individual designated by the appointing authority to enforce the provisions of the building code.

Building Supplies	Those products sold in retail and wholesale for use in construction industry or repair/remodel of homes.
Business Equipment Sales and Services	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 repair shops, or hotel equipment and supply firms.
Business Support Services	Establishments primarily engaged in the provision of service of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.
Campground	A plot of ground upon which 2 or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.
Car Wash	See Motor Vehicle Cleaning.
Carport	A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than 3 sides.
Carry-out Restaurant	An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
Cemetery	Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries.
Certificate of Compliance	A certificate issued by the City for use of land, not including buildings.
Certificate of Occupancy	A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

Child Care Facility	A commercial establishment enrolling children under age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center. (also Day Care, Children's Center, Day Nursery)
Church	(Religious Institutions) a building constructed or utilized primarily for worship, and buildings where persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain worship. (also Religious Assembly)
Clear Vision Area	An area which consists of a triangular area, 2 sides of which are lot lines measured from the corner intersection of the access point lot lines, for a distance specified in this regulation.
Clinic	An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.
Club Facility	A building or structure in which a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, and holds regular meetings (e.g. lodges, social clubs, veterans organizations, etc.).
Commission	Shall mean the City of St. Helens Planning Commission.
Community Building	A building operated by the public or a non-profit group, neighborhood, or association for public assembly and similar uses. Examples of a community building are a senior center or arts center.
Community Recreation Facility	Facility for local neighborhood (e.g. swimming pool), not associated with a park.
Compatibility	Efficient and orderly integration of housing types in an harmonious combination.
Complex	A building or group of buildings developed on one lot of record or adjacent lots of record under one ownership.
Conditional Use	A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such

use as specified in a zoning ordinance and authorized by the planning board.

Condominium

A building, or group of buildings, in which units are owned individually, and the structure, common area, and facilities are owned by all the owners on a proportional, undivided basis. (By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.) See Dwelling: Multi Dwelling Unit.

Condominium Unit

A part of land which has had all buildings, improvements, structures, easements, rights, and appurtenances submitted to the provisions of ORS 94.004 to 94.480 and 94.991 consisting of a building or one or more rooms of a building intended for any type of independent ownership, the boundaries of which are described pursuant to ORS 94.029(1)(c), and with a direct exit to a public street, highway, or common area leading to a public street or highway.

Congregate Care Facility

Means the physical building, structures and living units that provide special use housing and services with common dining facilities, house keeping and other services for seniors, handicapped or special need persons on one site or on adjacent properties, and operating under the same organization and managed as a part of the same community. (Congregate Care Facility also includes Continuing Care Retirement Community when multiple levels of care are provided - see Continuing Care Retirement Community definition).

Congregate Housing

A structure containing two or more dwelling units or living units providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance. Congregate housing provides a residential environment for the elderly who may be functionally impaired or socially isolated, but

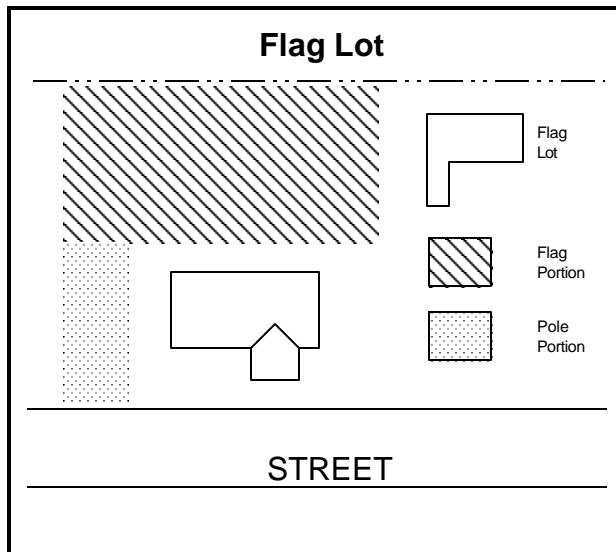
	<p>otherwise in good health. The residents can maintain a semi-independent lifestyle and do not require more intensive care as provided in an intensive care facility such as a nursing home. (also Boarding Home for Sheltered Care or Group Residential)</p>
<p>Continuing Care Retirement Community</p>	<p>CCRC means multiple types of senior living within single or multiple buildings or structures within a campus like environment managed by a provider that agrees to furnish continuing care to a resident under a residency agreement or other type of service agreement. As established in the provisions of ORS 101.020. The Continuing Care Retirement Community includes Independent, Congregate Care, Assisted Living, Residential Care, Alzheimer's/Dementia and Skilled Nursing Care.</p>
<p>Conservation Easement</p>	<p>An easement normally precluding future or additional development of the land.</p>
<p>Construction Sales and Services</p>	<p>Establishments or places of business primarily engaged in construction activities and incidental 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.</p>
<p>Container</p>	<p>As opposed to building, it is a structure intended to contain, enclose or hold item(s) but generally not permanently placed.</p>
<p>Contiguous</p>	<p>Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous. (Notwithstanding this definition, for purposes of annexation, this term shall have the meaning set forth in ORS 222 and case law interpreting same.)</p>
<p>Council</p>	<p>The City Council of St. Helens, Oregon.</p>
<p>Court</p>	<p>Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on 2 or more sides by the walls of a building.</p>
<p>Cul-de-sac</p>	<p>The turn around at the end of a dead end street (includes hammerhead and deadend road ends).</p>
<p>De novo</p>	<p>ORS case law; completely new; start over.</p>
<p>Deck</p>	<p>A non-enclosed platform (excluding above-grade entry walkways) constructed on the ground (as per Uniform Building Code) and attached to the main building.</p>

Dedication	The act of permanently devoting (i.e. offer acceptance) a portion of private land to a public purpose such as road right of way or a public park.
Density	The number of countable units (e.g. families, individuals, dwelling units, or housing structures) per unit of land area.
Detached Housing, Building	Opposite of attached.
Developing Area	An area which is included in the City's buildable land inventory under the provisions of OAR 660.04.000.
Development	Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, land clearing, grading, paving, excavation, or drilling operations, but not including maintenance such as grass mowing or planting, vegetation control, removal of noxious plants or non-native vegetation, tree thinning for fire control or diseases, and removal of dangerous trees or materials.
Development Site	A lot or combination of lots upon which development is proposed or exists.
Director	The Planning Director of St. Helens, Oregon, or authorized agent.
Division of Land	The process of dividing a tract, lot, or parcel into 2 or more lots or parcels by subdividing or partitioning.
Drainage way	Undeveloped land inundated during a 25-year storm with a peak flow of at least 5 cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Columbia River directly or after flowing through other drainage ways, channels, creeks, or floodplain.
Drive-Through Restaurant	An eating and drinking establishment organized so that motorists may order and pick up orders without the necessity of leaving the vehicle.
Drive-Up	Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive up uses shall not include automobile service stations.

Driveway	A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure on a property.
Drop Box, Trailer, or Structure of Similar Function	A drop-box, truck trailer or structure of similar function intended for the collection of such things as newspaper, household goods, clothes, cardboard, and other items.
Duplex	See Dwelling: Duplex or 2 Units (2 Family).
Dwelling, Attached: Single Unit	2 to 5 dwelling units in a single row with common walls and separate lots; also Row House.
Dwelling, Auxiliary or Accessory	See Auxiliary Dwelling Unit, Chapter 1.158.
Dwelling, Detached: Single Unit (1 Family)	1 dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.
Dwelling: Duplex or 2 Units (2 Family)	2 dwelling units placed so that some structural parts are in common and are located on a single lot or development site. No more than 2 units may be joined by common wall.
Dwelling: Multi-Dwelling Unit, Apartment (Multi-Family)	A structure containing at least 3 dwelling units in any vertical or horizontal arrangement located on a single lot (e.g. town-house, triplex, apartments and condominiums).
Dwelling Unit	One or more rooms designed for occupancy by 1 or more persons for living purposes providing complete, independent living facilities for 1 or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
Easement	A grant of 1 or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
Eating and Drinking Establishment	Establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premise consumption. See Restaurant.
Effective Date of Decision	The date the final decision is made. In the case of Land Use decisions or Limited Land Use decisions see Section 1.070.300. For Legislative decisions see Sections 1.060.150

	and 1.060.155. Ministerial decisions are final at the time they are made.
Egress	An exit.
Entertainment, Adult	See Section 1.140.150.
Equipment (Heavy) Sales and Rental	Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment and trucks together with incidental maintenance.
Equipment (Light) Sales and Rental	Sale, retail or wholesale, and/or rental from the premises of autos, non-commercial trucks, motorcycles, motor homes, and trailers with less than a 10,000 gross cargo weight together with incidental maintenance.
Equipment (Small) Sales, Rental and Repair	Sale, retail or wholesale, and/or rental from the premises of trailers, lawn equipment, house maintenance and repair equipment, etc.
Erect	The act of placing or affixing a component of a structure upon the ground or upon another such component.
Established Area	An area where land is not classified as buildable under OAR 660.07.000, etc.; see Chapter 1.150.
Excavation	Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.
Extended Care Facility	A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution. See Long-Term Care Facility and Nursing Home.
Family	One or more individuals occupying a dwelling unit and living as a single household unit.
Family Day Care Facility	See Home Child Care.
Farm Use	The current employment of the land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or by the feeding, breeding, management, and sale of, or

	<p>the 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 and includes the preparation and storage of products raised on such land for human use and disposal by marketing or otherwise.</p>
Fence	<p>An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.</p>
Fill	<p>Placement of 11 or more cubic yards of any soil, sand, gravel, clay, mud, debris, and refuse, or any other material, organic or inorganic.</p>
Final Action	<p>A determination reduced to writing, signed, and filed by the appropriate approval authority. (Final Order, Findings of Fact and Conclusions of Law.)</p>
Findings	<p>A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards in order to reach its decision.</p>
Flag Lot	<p>A lot located behind a frontage lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a lot or parcel which is not less than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow 2 dwellings to front along a street. There are 2 distinct parts to a flag lot: the <i>flag</i> which comprises the actual building site located at the rear portion of the original lot, and the <i>pole</i> which provides access from a street to the flag. See figure below.</p>



Fleet Storage Includes vehicles parked more than 24 hours at any one time and in an exclusive area for employee or business vehicles on property and in an area designated for parking by this Code.

Flood Fringe Area The area of the floodplain lying outside of the floodway.

Floodplain Land adjacent to a watercourse that is covered with water during periods of flooding; normally defined as an area of land inundated by a flood having a 1 percent chance of occurring in any year.

Floodway The normal stream or drainage channel and that adjoining area of the natural floodplain needed to convey the waters, and including the no-rise floodway area defined by the most current U.S. Corps of Engineers Flood Insurance Study. Floodways must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Floor Area The gross horizontal area, under roof, of all floors of a building, measured from the exterior walls, excluding vents, shafts, courts, and space devoted to off-street parking. 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.

Floor Area Ratio The gross floor area of all buildings on a lot divided by the net buildable (or development) lot area. See Section 1.100.020.A.

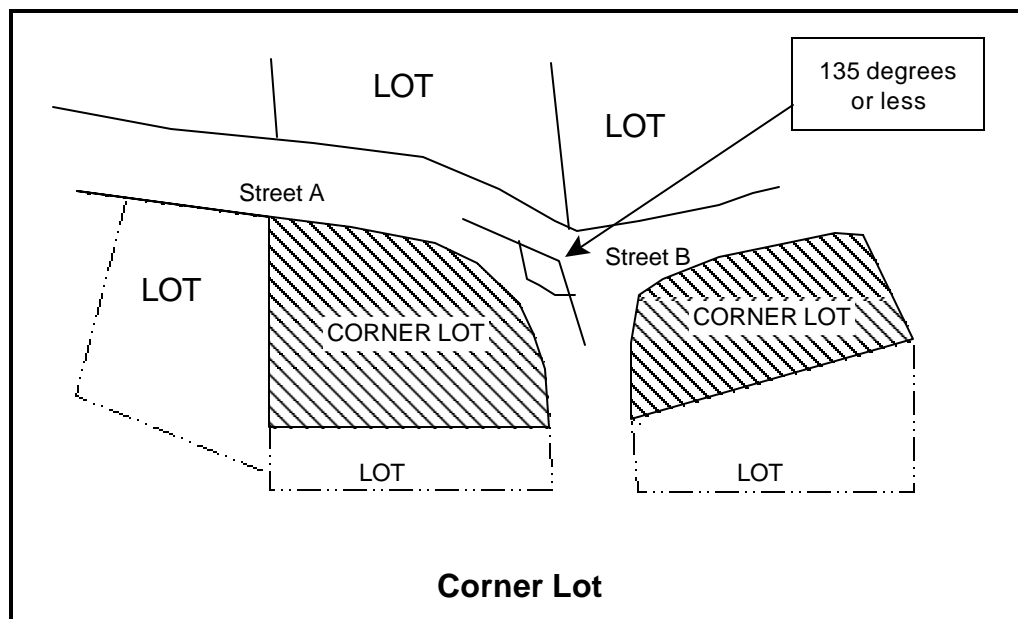
Forest Use	The production of trees and the processing of forest products within a forest boundary.
Freight Terminal	An area and/or building where cargo is transferred and where trucks load and unload cargo on a regular basis.
Front Lot Line	See Lot Line - Front.
Front Yard	See Yard - Front.
Frontage	The property line fronting on 1 side of a street between intersecting or intercepting streets or between a street and a right of way, waterway, and/or deadend street, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
Funeral Home	A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.
Garage, Private	A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Covered floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. Floor area is that area supported or under cover only. (also Structured Parking)
Garage, Public	A publicly or privately owned structure having 1 or more stories, used for the parking of motor vehicles, and open for use by the general public, either free or for remuneration.
Garage, Repair	Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
Grade	The degree of rise or descent of a sloping surface.
Grade - Natural	The elevation of the ground surface in its natural state before man-made alterations.

Grading	Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.
Hazardous Materials	Are those materials as defined in ORS.
Hazardous (Household) Waste Depot	A depot intended to receive, classify then transfer else-where, hazardous wastes that are typically found in a household such as paint, motor oil, household cleaners and solvents, etc.
Hazardous Waste Storage or Processing Site	Ultimate storage or processing of hazardous materials.
Home Child Care	Any care provider who provides care to children under the age of 13 years in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status. (also Family Day Care)
Home, Convalescent	A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but not need be limited to, the procedures commonly employed in nursing and caring for the sick. See Nursing Home.
Home Occupation	Any activity carried out for gain by a resident conducted as an incidental use in the resident's dwelling unit.
Homeowners Association	An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.
Homestay	Overnight accommodation in a private home with 1 or 2 rooms providing a morning meal to paying guests. Homestays are only allowed in the primary residence.
Hospital	An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the

	institution, related facilities such as laboratories, outpatient facilities or training facilities.
Hotel	A building or group of buildings used for transient residential purposes containing rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes. The facility could provide additional services such as restaurants, meeting rooms, and recreation facilities. (also Inn, Motel)
Houseboat	See Floating Structures Ordinance; part of St. Helens Building Code. (Floating Home: House on floats, like a boat.)
Household	As defined by the I.R.S. or the Census Bureau.
Impervious Surface	Any hard surface or man-made material which reduces and prevents absorption of storm water into previously undeveloped land.
Implementing Ordinance	An ordinance adopted to carry out the comprehensive plan.
Improvement	Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.
Incomplete Application	An application that does not address each element required by the form and the development code and/or is not accompanied by the fee.
Industrial Park	A tract of land that has been planned, developed and operated as an integrated facility for several individual uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
Infill	Development of vacant land which is substantially surrounded by other developed properties.
Intermediate Care Facility	A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities such as these. (see Long-Term Care Facility and Nursing Home)

Irregular Lot	A lot in which the front and rear lot lines are not parallel.
Junk	Any scrap, waste, reclaimable materials or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.
Junkyard	The use of the area of any tract of land for the dismantling or “wrecking” of automobiles or other vehicles or machinery or for the storage or keeping of the parts or equipment resulting from such dismantling or “wrecking” or for the storage or keeping of junk including scrap metals or other scrap material.
Laboratory	Facility equipped to conduct scientific experiments or tests or to manufacture chemicals, medicines, or the like.
Land Use Decision	A final decision or determination made by the approval authority that concerns the adoption, amendment, or application of: (a) the Statewide Planning Goals, (b) a comprehensive plan provision, (c) a land use regulation, or (d) a new land use regulation. See ORS 197.015 for more definition.
Laundry Services	Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as “personal services.” Typical uses include commercial laundry agencies, diaper services, or linen supply services, but excluding laundromats and dry cleaners where listed.
Legislative	Any proposed action which would result in a change in city policy including: (a) A change to the comprehensive plan text; (b) A change to the comprehensive plan map which involves a number of parcels of land; (c) A change to the text of an implementing ordinance; (d) A change to the zoning map which involves a number of parcels of land; and/or (e) A change to any land use plan or map which represents a change in city land use policy.
Limited Land Use Decision	A final decision or determination made by a local government pertaining to a site within an Urban Growth Boundary and concerns: (a) Approval or denial of subdivision or partition; and/or (b) Approval or denial of an application based upon discretionary standards designed to regulate the physical characteristics of a use permitted outright.
Living Unit	In assisted living facilities, residential facilities, and congregate care facilities, a room, apartment, cottage, or other area set aside for the use of a resident or residents.

Loading Space	An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access and egress.
Local Improvement District	A geographic area created by the local government to which some improvement is proposed and those benefitting are responsible for it.
Lodging Facilities	A building or premises where meals and lodging are offered for compensation for 3 or more persons but not more than 9 persons and having no more than 5 rooms for this purpose. See Boarding Home or House. (also Rooming House)
Long Term Care Facility	An institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to 2 or more patients who are not related to the governing authority or its members by marriage, blood or adoption. See Extended Care Facility, Intermediate Care Facility and Nursing Home.
Lot	Unit of land created by subdivision; see ORS (subdivision).
Lot Corner	A lot of parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.



Lot Depth	Horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, except for flag lots.
Lot Flag	See Flag Lot.
Lot Line	The property line bounding a lot.
Lot Line - Front	In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street (except for flag lot).
Lot Line - Rear	The side that parallels the front of the lot/parcel or in the case of an irregular lot/parcel, the rear shall be determined by drawing a line 10 feet in length parallel to the front property line between two side lines.
Lot Line - Side	The sides of the lot/parcel not labeled as the front or rear.
Lot Through	A lot that has frontage on two parallel or approximately parallel streets.
Lot Width	Horizontal distance between the side lot lines measured at right angles to the lot depths at a point midway between the front and rear lot lines.
Manufactured Dwelling	A residential trailer, mobile home, or manufactured home, but not including any building or structure subject to the Structural Specialty Code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
Manufactured Dwelling (Mobile Home) Park	Any place where 4 or more manufactured dwellings (mobile homes) are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent 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.
Manufactured Home	A structure constructed for transport on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for permanent residential purposes and that was constructed in

	accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
Manufacturing	Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. The term manufacturing covers all mechanical or chemical transformations, whether the new product is finished or semifinished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. (Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.)
Marina	A facility providing moorage for boats and related repair and supply services.
Mini Mall	See Shopping Center and Plaza.
Mini Storage	A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
Mining and/or Quarrying	The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of a mining activity. See Surface Mining.
Ministerial Decision	A decision that is not a land use decision or a limited land use decision.
Mobile Home	A structure constructed for transport on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for permanent residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
Modular Home	A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, able to meet the State of Oregon Uniform Building Code.

Moratorium	The legally authorized delay of new construction or development, usually based on the lack of adequate capacity for public facilities such as roads, sewer and water systems.
Motel	See Hotel or Resort. (also Tourist Home or Transient Lodging)
Motion Picture Theater	See Theaters.
Motor Vehicle Cleaning	Any commercial or industrial building or premises or portions thereof used for washing motor vehicles.(Automotive Cleaning) washing and polishing of automobiles. Typical uses include auto laundries or car washes and detailing establishments. (also Detailing)
Motor Vehicle Repair	See Garage, Repair. <i>Heavy Equipment:</i> Repair of trucks, etc., as well as the sale, installation, or servicing of truck or automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups. <i>Light Equipment:</i> 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 or motorcycle repair garages, or auto glass shops.
Motor Vehicle Sales	The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service; accessory use.
Multi-Family Dwelling	See Dwelling: Multi-Dwelling Unit, Apartment (Multi-Family).
Net Buildable Area of a Lot	The area of the lot excluding those features or areas which this development ordinance excludes from the calculations.
Nonconforming Lot	A lot, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
Nonconforming Structure	A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or

	amendment, to conform to the present requirements of the zoning district.
Nonconforming Use	A use not currently allowed in the underlying zoning district but which was legal prior to adoption of this Code.
Nurseries	The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and using of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail.
Nursing or Convalescent Home	A home, place or institution or part thereof in which convalescent and/or chronic care is rendered to 2 or more patients in exchange for compensation. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; persons who are acutely ill or are surgical or maternity cases are excluded; qualified personnel and a consulting physician are available at all times; and isolation facilities are provided. See Home, Convalescent.
ORS	Oregon Revised Statutes.
Occupancy Permit	See Certificate of Occupancy.
Office	A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.
Open Space	Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
Opponent	One testifying against a proposal.
Outdoor Storage	The keeping, in an unroofed area, of any goods, junk, inoperable vehicles, material, or other merchandise, or vehicles in the same place for more than 24 hours.
Owner	The owner of record of real property as shown on the tax rolls of the county, or a person who is purchasing a piece of property under contract.

Parcel	A unit of land that is created by a partitioning of land.
Park	A tract of land, designated and generally used for active and passive recreation.
Parking Area	Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
Parking Area, Private	A parking area for the private use of the owners or occupants of the lot on which the parking area is located.
Parking Area, Public	A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.
Parking Lot	An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
Parking Space	A space for the parking of a motor vehicle within a public or private parking area.
Parkway	That portion of street right of way lying between the curb line of the improved roadway and the adjacent private property line.
Partition Land	Division of an area or tract of land into 2 or 3 parcels or creation of street/road 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. Partitioning land does not include: (a) divisions of land resulting from lien foreclosures, foreclosures of recorded contracts for the sale of real property, and creation of cemetery lots; (b) any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel, reduced in size by the adjustment, is not reduced below the minimum lot size established by an applicable zoning ordinance; or (c) the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.
Pathway	A public or private right of way for pedestrian or non-motorized traffic.
Pawn Shop	Facility operating as a licensed pawnbroker in accordance with ORS 726.010-990.

Permanent	For purposes of this Code, permanent means anything not specifically limited in duration as a condition.
Permit	Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.
Person	The term <i>person</i> shall mean and include any natural person, co-partnership, association or corporation, whether he, she, or it is acting for himself, herself, or itself, or as servant, employee, agent, or representative of another. The singular number shall include the plural and the plural the singular.
Personal Services Facilities	Establishment primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature but excludes services classified under spectator sports and entertainment facilities, participant sports, and recreation or transient lodging. Typical uses include photography studios, driving schools, and trade schools, or reducing salons.
Planned Development	A physical development which is planned and designed to integrate residential uses with accessory and associated uses to achieve particular design objectives and to make provisions for common areas, open spaces, utilities, and public and private streets.
Plat	The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specification, dedications, provisions, and information concerning a subdivision or partition of which the subdivider submits for approval and intends in final form to record.
Plug/Residential Strip	A small section of land used to restrict uncontrolled access to a public right of way.
Primary or Principal Use	An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use in accordance with specific provisions of this Code.
Principal Building	A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and

accessory structure is generally determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

Professional Services	Establishments primarily used for the provision of professional, executive, management, or administrative offices, legal offices, architectural or engineering firms, or real estate firms.
Property Line	The artificial boundary which marks the confines of and forms the imaginary line of division between 2 contiguous separately owned and/or legally recorded parcels of land.
Proponent	A person testifying in favor of a proposal.
Public Facility, Major	Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility.
Public Facility, Minor	<p>The following public service improvements or structure developed by or for a public agency:</p> <ul style="list-style-type: none">a. Minor utility structures, except substations, but including poles, lines, pipes or other such facilities.b. Sewer, storm drainage, or water system structures except treatment plants, reservoirs, or trunk lines, but including reconstruction of existing facilities, pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property or specified easement.c. Street improvements within existing development including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.d. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or on public property.
Public Safety Facilities	Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.
Public Service	Any service provided by a public agency including but not limited to power, water, streets, sewers, parks, recreation facilities,

	<p>schools, police and fire protection. This term includes utilities provided by regulated utility companies such as telephone, gas and electric power.</p>
Quasi-judicial	<p>An action or decision which involves the application of adopted policy to a specific development application or amendment.</p>
Radio/TV Towers, Studio	<p>See Broadcasting Facility.</p>
Rear Lot Line	<p>See Lot Line - Rear.</p>
Recreation Facility	<p>Establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a non-recurring basis.</p>
Recreational Storage Site	<p>Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.</p>
Recreational Vehicle	<p>Towed or self-propelled vehicles such as motor homes, pickup campers, and travel trailers, intended for human occupancy for vacation and recreational purposes.</p>
Recycle Collection Center	<p>A place where recyclable materials are deposited by the residents and sorted for transport to processing plants. Yard debris depots shall also fall into this classification. (Yard debris is organic material: leaves, grass clippings, weeds, etc.)</p>
Religious Assembly	<p>See Church.</p>
Remodel	<p>An internal or external modification to an existing building or structure which does not increase the site coverage.</p>
Repairs	<p>See Garage, Repair.</p>
Research Services	<p>Establishments primarily engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis. Typical uses include electronics research laboratories, environmental research and development firms, or pharmaceutical research labs.</p>
Residence	<p>A structure designed for occupancy as living quarters for 1 or more persons.</p>

Residential Care	Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board, as defined in ORS 443.400(4) [Sec. 1.020 amended by Ordinance No. 849-91, Sec. 1, passed November 25, 1991.]
Residential Care Facility	A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care along or in conjunction with the treatment or training or a combination thereof, for 6 to 15 individuals who need not be related.
Residential Home	A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof for 5 or fewer individuals who need not be related.
Resort	A facility for transient guests where the primary attraction is generally recreational features or activities.
Rest Home	See Nursing Home.
Restaurant	An establishment where food and drink is prepared, serviced and consumed primarily within the principal building. See Carry-Out Restaurant, Drive-Through Restaurant. (also Eating and Drinking Establishment, Fast-Food Restaurant, Retail Food Establishment)
Retail Establishments	Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods; and establishments providing services or entertainment, as opposed to products, to the general public, if not elsewhere classified.
Right of Way	(1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses; (2) generally, the right of one to pass over the property of another.
Roadway	See Street.

Rooming House	See Lodging Facilities.
Rowhouse	See Townhouse or Dwelling, Attached: Single Unit.
School	Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge, excluding vocational, trade, business schools and colleges.
Service Station	See Automobile Service Station.
Setback	The minimum allowable horizontal distance from a given point or line of reference, which shall be the property line unless otherwise stated to the nearest foundation wall of a building or structure.
Shopping Center	A group (atleast 8 business units) of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements. (also Mini Mall)
Shopping Plaza	A group (2-7 business units) of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements. (also Mini Mall)
Side Lot Line	See Lot Line - Side.
Sidewalk	A pedestrian walkway with permanent surfacing built to city standards.
Single Unit, Attached	See Dwelling, Attached: Single Unit.
Single Unit, Detached	See Dwelling, Detached: Single Unit (1 Family).
Skirting	A covering that totally obscures the undercarriage of a manufactured dwelling, extending from the top of the undercarriage to the ground.
Solid Waste Disposal Site	Site of ultimate disposition of solid waste that cannot be salvaged or recycled.

Spot Zoning	Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.
Steep Slope	Land where the slope exceeds 20%.
Story	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.
Street	A public or private way that is created to provide ingress or egress for vehicles to 1 or more lots, parcels, areas, or tracts of land, and including the terms, <i>road, highway, land, avenue, alley, place, court, way, circle, drive</i> , or other designations.
Strip Development	Commercial or retail development, usually one-store deep, that fronts on a major street.
Structure	Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure, and platforms, walks, and driveways more than 30 inches above grade and not over any basement or story below. Tents used for carports and/or other storage in excess of 15 consecutive days or 30 accumulative days in a calendar year shall be considered structures for purposes of this Code.
Studio	A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.
Subdivide (Subdivision)	To divide an area or tract of land into 4 or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land, owned by a person, at the beginning of such year.
Surface Mining	As per ORS 517.755(14)(a): "Surface Mining includes all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production

	of surface mining refuse and the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).”
Temporary Structures	Structures not allowed on a permanent basis.
Temporary Use	<p>A use which, by its nature, will last less than a year. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses.</p> <p>A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.</p>
Tent	A portable shelter or temporary structure of fabric or skins supported by poles and usually secured by stakes to the ground and that defines volume.
Theaters	A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.
Tourist Home	See Hotel.
Transient Lodging	See Hotel.
Transitional Care Facility	A facility in which individuals live for a short period while receiving physical, social or psychological therapy and counseling to assist them in overcoming physical or emotional problems.
Travel Trailer	A portable vehicular structure not built to the UBC, Manufactured Housing Construction and Safety Standards Code, or the Mobile Home Design and Construction Standard, designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, fully licensed and ready for highway use, and including but not limited to travel and camping trailers, truck campers, and motor homes.
Travel Trailer Park	A park where 4 or more travel trailers are located within 50 feet of one another on a lot, tract, or parcel 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 for the rental of use of facilities.

Tree	Any living, standing woody plant having a trunk 2 inches or more in diameter, 4 feet above the ground level. See Section 1.160.020.6.
Unincorporated	See ORS; outside of an incorporated city boundary.
Unlisted Use	A use which is not listed as either a use permitted outright or as a conditional use in a particular zone.
Urban Area	See ORS; generally inside a municipality's limits.
Urban Growth Area	See ORS; area between city limits and urban growth boundary.
Urban Growth Boundary	An adopted line at or outside the current city limits defining an area that would accommodate future city growth for a specific period of time.
Utility, Major	See Public Facility, Major.
Utility, Minor	See Public Facility, Minor.
Variance	Permission to depart from the specific requirements of this Code.
Warehouse	A building used primarily for the commercial storage of goods and/or materials.
Warehousing	Terminal facilities for storing freight on a temporary basis, with or without maintenance facilities.
Wetlands	As determined by the Oregon Division of State Lands. See ORS 196.800(16): Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
Yard	An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. When determining setback, yard does not include an access easement or street right-of-way.
Yard - Front	A yard, the front of which is the front lot line measuring at right angles toward the building the required distance or to the front exterior wall of the building.

Yard - Rear	A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.
Yard - Side	A yard not defined as front or rear.
Zone	A specifically delineated area or district in the City of St. Helens within which regulations and requirements govern, among other things, the use, placement, spacing and size of land and buildings.

Chapter 1.060 PROCEDURES FOR DECISION MAKING: LEGISLATIVE.

Sections:

- 1.060.010 Purpose.**
- 1.060.020 The Application Process.**
- 1.060.030 Time Periods: Submissions/Hearings.**
- 1.060.040 Additional Information Required, Waiver of Requirements, and Report Required.**
- 1.060.050 Duties of the Director.**
- 1.060.060 Recommendation and Alternative Recommendation by the Director.**
- 1.060.070 Consolidation of Proceedings.**
- 1.060.080 Public Hearing: Notice Requirements.**
- 1.060.090 Mechanics of Giving Notice and Failure to Give Notice.**
- 1.060.100 Hearings Procedure.**
- 1.060.110 Continuation of the Public Hearing.**
- 1.060.120 The Standard of the Decision.**
- 1.060.130 Approval Process and Authority.**
- 1.060.140 Vote Required for a Legislative Change.**
- 1.060.150 The Final Decision.**
- 1.060.160 The Record of the Public Hearing.**
- 1.060.170 Reapplication.**

1.060.010 Purpose.

The purpose of this chapter is to establish procedures applicable to the Community Development Code for consideration of legislative changes to the provisions of the comprehensive plan, implementing ordinances, and maps.

1.060.020 The Application Process.

- A. A request for a legislative change may be initiated by:
 - 1. Order of the Council;
 - 2. Resolution of a majority of the Commission;
 - 3. The Director;
 - 4. Any person or the person's agent authorized in writing to make the application.

- B. Application acceptance:
 - 1. Form must be complete.
 - 2. City Council must approve the concept.
 - 3. Fee must be paid unless previously waived by the City Council.

1.060.030 Time Periods: Submissions/Hearings.

- A. The Director may receive proposed legislative changes 4 times a year, and the completed application shall be submitted not more than 75 days and not less than 45 days before the first Commission meetings in March, June, September, and December.
- B. The Commission shall normally hear the matter at the first meeting in March, June, September, or December, depending upon which date the item has been scheduled.
- C. The Council shall normally receive the Commission's recommendations within 30 days after the Commission's decision and schedule a public hearing of the Commission's recommendation. If the Planning Commission fails to act within 60 days after the scheduled public hearing date, the application shall be forwarded to the City Council without a recommendation.
- D. The application shall be made on forms provided by the Director.
- E. The application shall be complete and shall:
 - 1. Contain the information requested on the form;
 - 2. Address the appropriate criteria in sufficient detail for review and action;
 - 3. Be accompanied by the required fee except as allowed under Section 1.070.345; and
 - 4. Be accompanied by a narrative addressing the standards in Section 1.060.120.
- F. An application shall be deemed *incomplete* unless it addresses each element required by the form and each element required by this code and is accompanied by the required fee.
- G. The Director shall not accept an incomplete application.
- H. The Director shall have the authority to waive a requirement of this code in the manner provided by Section 1.060.040.B.

1.060.040 Additional Information Required, Waiver of Requirements, and Report Required.

- A. The Director may require information in addition to that required by a specific code provision provided:
 - 1. The information is needed to properly evaluate the proposed development proposal; and
 - 2. The need can be justified on the basis of a special or unforeseen circumstance.
- B. The Director may waive a special requirement for information or a requirement to address a certain approval standard subject to the provisions of Subsection 1.060.040.C. below provided:
 - 1. The Director finds that specific information is not necessary to properly evaluate the application; or
 - 2. The Director finds that a specific approval standard is not applicable to the application.
- C. Where a requirement is waived, the Director shall:
 - 1. Prepare a memorandum to the record and to the applicant citing the grant of authority, the specific requirements waived, and the reasons;
 - 2. Advise the applicant in writing that the waiver may be challenged at the hearing on the matter and may be denied by the approval authority; and
 - 3. Cite in the staff report for the application the specific requirements waived, the reasons for the waiver, and the specific grant of authority.

1.060.050 Duties of the Director.

- A. The Director shall:
 - 1. Give notice of the Commission hearing as provided by Subsections 1.060.080.C. and D. and Section 1.060.090;
 - 2. Prepare a staff report which includes:
 - a. The facts found relevant to the proposal and found by the Director to be true;

- b. The statewide planning goals and guidelines adopted by ORS Chapter 197 found to be applicable and the reasons why any other goal(s) and guideline(s) are not applicable to the proposal;
 - c. Any federal or state statutes or rules the Director found applicable;
 - d. Those portions of the comprehensive plan found to be applicable, and if any portion(s) of the plan appears to be reasonably related to the proposal and is not applied, the Director shall explain the reasons why such portion(s) of the plan is not applicable;
 - e. Those portions of the implementing ordinances relevant to the proposal; and if the provisions are not considered, the Director shall explain the reasons why such portion(s) of the ordinances were not considered; and
 - f. An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives, a recommendation for approval, approval with modification or denial, and at the option of the Director, an alternative recommendation;
3. Make the staff report and all case file materials available 7 days prior to the scheduled date of the public hearing under Section 1.060.080 of this chapter in writing; and
 4. Cause the public hearing to be held pursuant to Section 1.060.080 of this chapter.
- B. The Director shall administer the hearings process.
- C. The Director shall transmit the record to the Council for a hearing as set forth in Subsection 1.060.030.C., and:
1. Give notice of the Council hearing as provided by Section 1.060.080;
 2. Prepare a report which shall include at a minimum, the following:
 - a. A copy of the staff report submitted to the Commission;
 - b. A copy of the Commission recommendation; and
 - c. A copy of the minutes of the Commission public hearing;
 3. Make a report to the Council; and
 4. Administer the hearings process.

- D. The Director shall maintain a register of all applications which have been filed for a decision. The register shall at all times identify at what stage the application is in the process.
- E. The Director shall maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice pursuant to Section 1.060.080 and the accompanying affidavits, the application and all supporting information, the staff report, the final adopted document, all correspondence, the minutes of any meetings at which the application was considered and any other exhibits, information or documentation which was considered with respect to the application.

1.060.060 Recommendation and Alternative Recommendation by the Director.

- A. The Director may make a recommendation to the Commission on the application, however, in addition, the Director may recommend an alternative(s).
- B. As a result of the public hearing on the proposed change, the Commission may on its own motion recommend to the Council an alternative recommendation, however, in addition, the Commission must take action on the specific application before it.

1.060.070 Consolidation of Proceedings.

- A. In the event there is an application for a legislative change to the plan text or map, and an application for a legislative change to an implementing ordinance text or map, both of which involve either the same geographic area or the same subject matter, the hearings may be consolidated, however:
 - 1. The decision on the proposed plan change shall precede the decision on the proposed change to the implementation ordinance;
 - 2. Separate actions shall be taken on each application; and
 - 3. The change to the implementing ordinance shall implement the change to the plan.

1.060.080 Public Hearing: Notice Requirements.

- A. The Commission shall hold at least 1 public hearing on each applicable application request.

- B. The Council shall hold at least 1 public hearing on each applicable application request.
- C. Notice of the public hearings on the proposed change and alternatives, if any, shall be given by the Director in the following manner:
 - 1. At least 10 days prior to the scheduled hearing date, notice shall be sent to:
 - a. The applicant;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing and pays a fee established by Council resolution; and
 - 2. At least 14 days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the City.
- D. The Director shall:
 - 1. For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by Section 1.060.150; and
 - 2. For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by Section 1.060.150.
- E. The Director shall mail notice in accordance with ORS Chapter 197 when applicable.

1.060.090 Mechanics of Giving Notice and Failure to Give Notice.

- A. Where either the Commission or Council or both intend to hold more than 1 public hearing on the same application, notice of several public hearings before both approval authorities may be given in 1 notice in the same manner provided under Subsection 1.060.080.C.
- B. The notice given to persons entitled to mailed or published notice pursuant to this section shall include the following information:
 - 1. The number and title of the file containing the application and the address and phone number of the Director's office where additional information can be obtained;
 - 2. A description of the location of the proposal reasonably calculated to give notice as to the location of the affected geographic area;

3. A description of the substance of the proposal in sufficient detail for people to determine that a change is contemplated and the place where all relevant materials and information may be obtained or reviewed; and
 4. The time(s), place(s), and date(s) of any public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this code and rules of procedure adopted by the Council and available at City Hall or the rules of procedure set forth in Section 1.060.100.
- C. The failure of a person entitled to notice under Subsection 1.060.080.C.1. to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.
- D. Personal notice is deemed given where the notice is deposited with the United States Postal Service.
- E. Published notice is deemed given on the date it is published.
- F. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period or review period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

1.060.100 Hearings Procedure.

- A. Unless otherwise provided in the rules of procedure adopted by the City Council:
1. The presiding officer of the Commission and of the Council shall have the authority to:
 - a. Regulate the course, sequence, and decorum of the hearing;
 - b. Dispose of procedural requirement or similar matters; and
 - c. Impose reasonable time limits for oral presentations;
 2. No person shall address the Commission or the Council without:
 - a. Receiving recognition from the presiding officer; and
 - b. Stating their full name and mailing address; and
 3. Disruptive conduct such as audience demonstrations in the form of applause, cheering, display of signs shall be cause for expulsion of a person or persons

from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

- B. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
1. The hearing shall be opened by a statement from the presiding officer setting forth the nature of the matter before the body, a general summary of the procedures set forth in this section, a summary of the standards set forth in Section 1.060.120, and whether the decision which will be made as a recommendation to the City Council or whether it will be a final decision of the Council;
 2. A presentation of the Director's report and other applicable staff reports shall be given;
 3. The public shall be invited to testify;
 4. The public hearing may be continued to allow additional testimony or it may be closed; and
 5. The body's deliberation may include questions to the staff, comments from the staff, or inquiries directed to any person present.

1.060.110 Continuation of the Public Hearing.

The Commission or the Council may continue any hearing and no additional notice shall be required if the matter is continued to a place, date, and time certain.

1.060.120 The Standard of the Decision.

- A. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:
1. The statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;
 2. Any federal or state statutes or guidelines found applicable;
 3. The applicable comprehensive plan policies, procedures, appendices and maps; and

4. The applicable provisions of the implementing ordinances.
- B. Consideration may also be given to:
1. Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

1.060.130 Approval Process and Authority.

- A. The Commission shall:
1. After notice and a public hearing, formulate a recommendation to the Council to approve, to approve with modifications, or to deny the proposed change, or to adopt an alternative; and
 2. Within 30 days of determining a recommendation, cause the written recommendation to be signed by the presiding officer of the Commission and to be filed with the Director.
- B. Any member of the Commission who voted in opposition to the recommendation by the Commission on a proposed change may file a written statement of opposition with the Director prior to any Council public hearing on the proposed change. The Director shall transmit a copy to each member of the Council and place a copy in the record.
- C. If the Commission fails to recommend approval, approval with modification, or denial of the proposed legislative change within 60 days of the first public hearing on the proposed change, the Director shall:
1. Report the failure together with the proposed change to the Council; and
 2. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held and a decision to be made by the Council. No further action shall be taken by the Commission.
- D. The Council shall:
1. Have the responsibility to approve, approve with modifications, or deny an application for the legislative change or to remand to the Commission for rehearing and reconsideration on all or part of an application transmitted to it under this code;
 2. Consider the recommendation of the Commission, however, it is not bound by the Commission's recommendation; and

3. Act by ordinance, if application approved with or without modifications.

1.060.140 Vote Required for a Legislative Change.

An affirmative vote by a majority of the voting members present of the Commission shall be required for a recommendation for the approval or approval with modifications.

1.060.150 The Final Decision.

The approved legislative change shall take effect after adoption as specified in the enacting ordinance.

1.060.155 Notice of Final Decision.

Per ORS 197.615...

“197.615 Local government notice of adopted amendment or new regulation; content; notice by director. (1) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation shall mail or otherwise submit to the Director of the Department of Land Conservation and Development a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government. The text and findings must be mailed or otherwise submitted not later than five working days after the final decision by the governing body. If the proposed amendment or new regulation that the director received under ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

(2)(a) On the same day that the text and findings are mailed or delivered, the local government also shall mail or otherwise submit notice to persons who:

(A) Participated in the proceedings leading to the adoption of the amendment to the comprehensive plan or land use regulation or the new land use regulation; and

(B) Requested of the local government in writing that they be given such notice.

(b) The notice required by this subsection shall:

(A) Describe briefly the action taken by the local government;

(B) State the date of the decision;

(C) If delivered by mail, include a certificate of mailing containing a statement signed by the person mailing it indicating the date the notice was deposited in the mail;

(D) List the place where and the time when the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation, and findings, may be reviewed; and

(E) Explain the requirements for appealing the action of the local government under ORS 197.830 to 197.845.

(3) Not later than five working days after receipt of an amendment to an acknowledged comprehensive plan or land use regulation or a new land use regulation submitted under subsection (1) of this section, the director shall notify by mail or other submission any persons who have requested notification. The notice shall:

(a) Explain the requirements for appealing the action of the local government under ORS 197.830 to 197.845; and

(b) List the locations where the comprehensive plan or land use regulation amendment or newland use regulation may be reviewed. [1981 c.748 s.5; 1983 c.827 s.9; 1999 c.255 s.1]'

1.060.160 The Record of the Public Hearing.

- A. A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony. The minutes and other evidence presented as a part of the hearing shall be part of the record.
- B. All exhibits received and displayed shall be marked so as to provide identification and shall be part of the record. Nothing shall be accepted for the record if it cannot be stored in files 9 by 14.75 inches or less.
- C. The official record shall include:
 - 1. All materials considered by the hearings body;
 - 2. All materials submitted by the Director to the hearings body with respect to the application;
 - 3. The verbatim record made by the stenographic or mechanical means, the minutes of the hearing, and other documents considered;
 - 4. The final ordinance;
 - 5. All correspondence; and

6. A copy of the notice which was given as provided by Section 1.060.080 and 1.060.090, accompanying affidavits, and list of persons who were sent mailed notice.

1.060.170 Reapplication.

If an application has been made and denied in accordance with the provisions set forth in this chapter or by action by the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, no new application for the same or substantially similar change shall be accepted within 1 year from the date of the final action denying the application; except the Council may reinstate an application upon a finding that there has been a substantial change in the facts surrounding the application or a change in policy which would support the reapplication.

Chapter 1.070 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL.

Sections:

- 1.070.010 Scope and Purpose.**
- 1.070.020 The Application Process.**
- 1.070.030 Time Period for Decision Making.**
- 1.070.040 Preapplication Conference.**
- 1.070.050 Application Submittal Requirements: Refusal of an Application**
- 1.070.055 Applicant's Evidence.**
- 1.070.060 Duties of the Director.**
- 1.070.070 Alternative Recommendation by Director.**
- 1.070.080 Additional Information Required, Waiver of Requirements, and Report Required.**
- 1.070.090 Approval Authority Responsibilities.**
- 1.070.110 A Decision by the Director: No Hearing Required.**
- 1.070.120 Notice of Decision by the Director.**
- 1.070.130 Notice of Planning Commission and City Council Proceedings.**
- 1.070.140 Contents of the Notice for Public Hearings.**
- 1.070.150 Failure to Receive Notice: Computations.**
- 1.070.155 Hearing Procedure-Preliminary Matters, Ex Parte Communications Bias, Conflict of Interest.**
- 1.070.160 Hearings Procedure.**
- 1.070.165 Continuation of the Hearing and Request to Leave the Record Open.**
- 1.070.170 Final Written Argument.**
- 1.070.180 Continuation of the Hearing.**
- 1.070.200 Evidence.**
- 1.070.210 Judicial Notice.**
- 1.070.220 Participation in the Decision: Voting.**
- 1.070.230 Record of Proceeding for Public Hearing.**
- 1.070.250 The Decision Process of the Approval Authority.**
- 1.070.260 The Form of the Final Decision.**
- 1.070.270 Notice of Final Decision.**
- 1.070.275 Amended Decision Process.**
- 1.070.280 Denial of the Application: Resubmittal.**
- 1.070.290 Standing to Appeal.**
- 1.070.300 Computation of Appeal Period from a Director's Decision and Effective Date of the Decision.**
- 1.070.310 Determination of Appropriate Reviewing Body.**
- 1.070.320 Type of Appeal.**
- 1.070.330 Transcripts.**
- 1.070.340 Notice of Appeal (Application).**

- 1.070.345 Fee Waiver for Appeals.**
- 1.070.350 Persons Entitled to Notice on Appeal or Review: Type of Notice.**
- 1.070.360 Contents of Notice on Appeal.**
- 1.070.370 Action on Appeal: Time Limit and Authority to Change the Decision.**
- 1.070.380 Final Action of the Approval Authority: Effective Date.**
- 1.070.390 Revocation of Approvals.**

1.070.010 Scope and Purpose.

- A. Purpose. This Code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of the code. The combination is necessary to provide a comprehensive set of implementation tools. The nondiscretionary reviews provide the certainty needed in most situations by providing straight-forward, clear, and objective standards. Discretionary reviews provide needed flexibility by allowing more subjective standards and objectives, and providing for the modification of regulations in response to specific site conditions. This chapter addresses discretionary reviews.
- B. Explanation of Discretionary Reviews. A discretionary review is one that involves judgement or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable. The amount of discretion and the potential impact of the request varies among different reviews. Some have less discretion or impact, such as the reduction of a garage setback for a house on a hillside. Others may involve more discretion or potential impacts, such as the design review of a new downtown building or the siting of a firm which uses hazardous materials. Discretionary reviews must provide opportunities for public involvement.
- C. Scope. The Chapter concerns procedures for the consideration of quasi-judicial land use applications. The Oregon Supreme Court formulated a three-pronged test to aid in determining whether action is quasi-judicial: (1) whether the process is bound to result in a decision; (2) whether the decision is bound to apply pre-existing criteria to concrete facts; and (3) whether the action is directed at a closely circumscribed factual situation or a relatively small number of persons. *Strawberry Hill 4-Wheelers v. Benton County Board of Commissions*, 287 Or. 591, 601 P.2d 769 (1979), Common quasi-judicial applications include but are not limited to the following: Site specific comprehensive plan map amendment, Site specific rezoning Subdivision, Partition, Variance, Site Design Review.
- D. The Function of Approval Criteria:
 - 1. The approval criteria that are listed with a specific review reflect the findings that must be made to approve a request. The criteria set the bounds for the

issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied.

2. The approval criteria have been derived from and are based on the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and approval criteria means the proposal is in conformance with the Comprehensive Plan.
 3. When approval criteria refer to the request meeting a specific threshold, such as adequacy of services or no significant detrimental environmental impacts, the review body will consider any proposed improvements, mitigation measures, or limitations proposed as part of the request when reviewing whether the request meets the threshold. All proposed improvements, mitigation measures, and limitations must be submitted for consideration prior to a final decision by a review body.
- E. The Burden of Proof. The burden of proof is on the applicant to show that the approval criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.
- F. Conditions of Approval. The City may attach conditions to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.

1.070.020 The Application Process.

- A. Applications for approval required under this chapter may be initiated by:
1. Order of the Council;
 2. Resolution of a majority of the Commission;
 3. Application of a recorded owner of property or contract purchasers.
- B. Any persons authorized by this code to submit an application for approval may be represented by an agent authorized in writing to make the application.

1.070.030 Time Period for Certain Quasi-Judicial Decisions. [ORS 227.178].

- A. The City shall take final action on an application for a permit, limited land use decision, or a zone change, including the resolution of all appeals within 120 days after the application is deemed complete, except:
1. The 120-day period may be extended for a reasonable period of time at the request of the applicant;
 2. The 120-day period applies only to a decision wholly within the authority and control of the City;
 3. The 120-day period does not apply if the parties have agreed to mediation as described in ORS 197.319(2)(b);
 4. The 120-day period does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation forwarded to the Department of Land Conservation and Development pursuant to ORS 197.610(1); and
 5. Failure to comply with the time limitations of this section makes available the enforcement and refund remedies identified in the Oregon Revised Statutes.

1.070.040 Preapplication Conference.

- A. Unless excepted herein, all applicants for quasi-judicial land use applications shall be required to meet with the Director for a preapplication conference. Another preapplication conference is required if an application is submitted more than six months after the initial preapplication conference. Unless excepted, a pre-application conference is a jurisdictional prerequisite to filing an application.
- B. Preapplication conference issues. At the preapplication conference, Director, the applicant, and the representatives from other City departments and state agencies, as applicable, shall discuss issues that relate to the proposed development and application. Those issues shall include but not be limited to the following, as applicable to the proposed development:
1. The burden on the applicant to demonstrate consistency with the Comprehensive Plan and the requirements of the Land Development Code;
 2. Identification of the application requirements and appropriate development review procedures for the proposed development, and a tentative schedule of review for any proposed consolidation of review for more than one application;

3. The consistency of the request with the land use and zoning designations on the property;
 4. The relationship between the proposed development and surrounding land uses;
 5. Physical characteristics of the site proposed for development including but not limited to environmentally sensitive areas, wetlands, uplands, wildlife protection issues and existing roads, utilities, easements, and facilities;
 6. The characteristics of the proposed site development including proposed on-site streets, utilities or other public and private facilities, including common open areas, recreation areas and maintenance mechanisms designed to guarantee the care and upkeep of the common elements;
 7. Status of public facilities that would serve the proposed development, including specifically the public facilities, water, sewer, solid waste, drainage, roads, parks and mass transit.
- C. The applicant has the burden to demonstrate strict compliance with each and every applicable approval criterion by providing competent substantial evidence of compliance for the record. The burden is on the applicant to ascertain for themselves what is required for approval from the text of the local code, plan and state statutes. The information and opinions provided in a preapplication conference is for the general assistance of the applicant, and shall not be binding on the City, the applicant or any of the participants. Failure of the Director to cite or identify any of the information required by this chapter shall not constitute a waiver of the standards, criteria, or other requirements of the application.
- D. The following applications are exempt from the preapplication requirement of this section:
1. Tree Removal Permit.
 2. Accessory Structure Permit.
 3. Home Occupation Permit, Type I.
 4. Non-conforming Determination.
 5. Sign Permits.

Nothing herein prohibits a voluntary preapplication conference.

1.070.050 Application Submittal Requirements: Refusal of an Application.

- A. The application shall be made on forms approved by the Director.
- B. The application shall:
 - 1. Include the information requested on the application form;
 - 2. Address appropriate criteria in sufficient detail for review and action;
 - 3. Be accompanied by the required fee except as set out in Section 1.070.345; and
 - 4. The records of the Columbia County Department of Assessment and Taxation shall be the official records for determining ownership.
- C. The Director shall not accept:
 - 1. An incomplete application, except as otherwise provided by Subsection 1.070.050(G); or
 - 2. Applications not accompanied by the required fee.
- D. An application shall be deemed incomplete unless it addresses each element required to be considered under applicable provisions of this code and the application form.
- E. If an application for a permit or zone change is incomplete, the Director shall:
 - 1. Notify the applicant within 30 days of receipt of the application of exactly what information is missing; and
 - 2. Allow the applicant to submit the missing information.
- F. The application for a permit or a zone change shall be deemed complete when the missing information is provided and at that time the 120-day time period shall begin to run for the purposes of satisfying state law.
- G. If the applicant refuses to submit the missing information required for a permit or a zone change application, the application shall be deemed complete on the 31st day after the Director first received the application. This in no way negates the applicant's burden of proof, but it is for the purpose of allowing an application to be submitted for a decision.

1.070.055 Applicant's Evidence.

- A. All documents or evidence relied upon by the applicant, but submitted after the application has been determined to be complete, shall be submitted to the planning staff at least 7 days prior to the time notice is mailed as provided in Section 1.070.120.
- B. When documents or evidence submitted pursuant to Subsection A, above, significantly alter an application previously deemed complete, the Director may recalculate the date the application is deemed complete. The recalculated completion date may then be used to determine:
 - 1. The 120-day time period for decision making as set forth in Section 1.070.030; and
 - 2. A new decision or hearing date.
- C. If additional evidence or documents are provided in support of the application after the time set forth in Subsection 1, above, that is after the time set forth in Subsection A, above, any party is entitled to request a continuance of the hearing. Such continuance does not count as part of the 120-day provision in ORS 227.178.

1.070.060 Duties of the Director.

- A. The Director shall:
 - 1. Prepare application forms made pursuant to the standards contained in the applicable state law, comprehensive plan, and implementing ordinance provisions;
 - 2. Accept all development applications which comply with the provisions of Section 1.070.050;
 - 3. Within 60 days after an application is deemed complete pursuant to this chapter, except as provided by Section 1.070.050:
 - a. Develop a list of affected property owner names and addresses;
 - b. Give notice as provided by Sections 1.070.120, and 1.070.130, except as provided by Section 1.070.110;
 - c. Prepare a staff report or notice of decision which shall include:
 - (1) The facts deemed relevant to the proposal and found by the Director to be true;

- (2) Those portions of the St. Helens comprehensive plan and/or implementing ordinances which the Director deems to be applicable to the proposal. If any portion of the plan or ordinances appear to be reasonably related to the proposal and are deemed not applicable by the Director, the Director shall explain why such portion or portions are not applicable;
 - (3) An analysis relating the facts deemed true by the Director to the applicable criteria and a consideration of alternatives open to the approval authority, resulting in a recommendation of denial, approval, or approval with conditions under Section 1.070.250; and
 - (4) A statement regarding a waiver of information or additional information required by the Director as provided by Section 1.070.080;
- d. In the case of an application subject to a Director's decision, make the staff report and all case-file materials available at the time the notice of the decision is given; and
- e. In the case of an application subject to a hearing, make the staff report available 7 days prior to a scheduled hearing date and the case-file materials available when notice is mailed, as provided by Section 1.070.130.A.1.
4. Act on the development application pursuant to Subsection 1.070.090.A and Section 1.070.110 or cause a hearing to be held pursuant to Subsections 1.070.090.B through D and Sections 1.070.160 through 1.070.230 and Section 1.070.240, unless the applicant has requested or consented to a delay;
5. Administer the hearings process pursuant to Sections 1.070.130 through 1.070.190 and Section 1.070.200;
6. Maintain a register of all applications which have been filed for a decision. The register shall identify at what stage the application is in the process;
7. File notice of the final decision in the records of the Planning Department and mail a copy of the notice of the final decision to the applicant and all parties and to those persons requesting copies of such notices who pay the necessary fees therefor as provided by Sections 1.070.120 or 1.070.130;
8. Maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given pursuant to Section 1.070.120 or 1.070.130 and the accompanying

affidavits, the application and all supporting information, the staff report, the final decision, including the findings, conclusions, and conditions, if any, all correspondence, the minutes of any meeting at which the application was considered and any other exhibit, information, or documentation which was considered by the hearing body with respect to the application; and

9. Administer the appeals and review process pursuant to Sections 1.070.290 through 1.070.370.

1.070.070 Alternative Recommendation by Director.

- A. The Director may make a recommendation to the initial hearings body on the application; however, in addition, the Director may recommend an alternative or alternatives.
- B. Such alternatives shall be considered only if:
 1. Notice of such alternative(s) has been given as part of the hearing notice in addition to the matters contained in Section 1.070.140; and
 2. The staff report prepared as provided by Subsection 1.070.060 A.3.b. supports such an alternative(s).

1.070.080 Additional Information Required, Waiver of Requirements, and Report Required.

- A. The Director may require information in addition to that required by a specific provision of this code, provided:
 1. The information is needed to properly evaluate the proposed development proposal; and
 2. The need can be justified on the basis of a special or unforeseen circumstance.
- B. The Director may waive the submission of information for a specific requirement subject to the provisions of Subsection 1.070.080.C., provided:
 1. The Director finds that specific information is not necessary to properly evaluate the application; or
 2. The Director finds that a specific approval standard is not applicable to the application.

- C. Where a requirement is found by the Director to be inapplicable the Director shall:
1. Indicate for the record and to the applicant the specific requirements waived;
 2. Advise the applicant in writing that the waiver may be challenged on appeal or at the hearing on the matter and may be denied by the approval authority; and
 3. Cite in the staff report on the application the specific requirements waived; the reasons for the waiver, and the specific grant of authority.

1.070.090 Approval Authority Responsibilities.

- A. In addition to Ministerial, and Administrative decisions, the Director shall have the authority to approve, deny, or approve with conditions the following applications and/or activities:
1. Accessory Structures pursuant to Chapter 1.156.
 2. Expedited Land Division per ORS 197.360.
 3. Final Development Plan and Final Subdivision Plat, pursuant to Chapters 1.180 and 1.170.
 4. Home Occupation pursuant to Chapter 1.154.
 5. Lot line adjustments pursuant to Chapter 1.172.
 6. Partitions pursuant to Chapter 1.172.
 7. Sign Permits.
 8. Site development pursuant to Chapter 1.128.
 9. Solar Access for new construction on lots not covered by Subsection 1.070.090.C.1. pursuant to Chapter 1.096.
 10. Temporary use pursuant to Chapter 1.152.
 11. Unlisted uses (approve or deny), pursuant to Chapter 1.080.
 12. Variance pursuant to Chapter 1.144.
 13. Minor modification to Conditional Use Permit pursuant to Chapter 1.140.

14. Access variances pursuant to Chapter 1.116.
 15. Sensitive lands pursuant to Chapter 1.092.
 16. Nonconforming status pursuant to Chapter 1.142.
 17. Revocation proceedings pursuant to Section 1.070.390 of this Code.
 18. Review of uses in Willamette Greenway overlay zone per Section 1.080.160.
 19. Any other matter not specifically assigned to others.
- B. The Director may refer any application for review to the Planning Commission.
- C. The Planning Commission shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, deny, or approve with conditions the following applications and enforcement proceedings:
1. Solar access requirements for new subdivisions pursuant to Chapter 1.096.
 2. Conditional use pursuant to Chapter 1.140.
 3. Sensitive land permit.
 4. Subdivisions pursuant to Chapter 1.170 when not part of a planned development.
 5. Sign code exceptions and sign code variances pursuant to Chapter 1.122.
 6. An appeal of decisions made by the Director, under paragraph A above.
 7. Referral from the Director, of any decision.
 8. Subdivisions pursuant to Chapter 1.180 when requested as part of planned development and/or in conjunction with a variance to the subdivisions standard or a variance to any requirement of this code.
 9. A quasi-judicial comprehensive plan map or text amendment except:
 - a. The Commission's function shall be limited to a recommendation to the Council; and
 - b. The Commission may transmit their recommendation in any form and a final order need not be formally adopted.

10. Recommendations to the City Council on quasi-judicial zoning map amendments without Comprehensive Plan changes, pursuant to Section 1.020.030.
 11. A recommendation to the City Council on quasi-judicial rezoning concurrent with a quasi-judicial Comprehensive Plan Amendment.
 12. A recommendation to the City Council on Annexation applications.
 13. A recommendation to the City Council on Comprehensive Plan and zoning designations made to lands annexed to the City.
 14. A recommendation to the City Council on development agreement.
 15. A recommendation to the City Council on a preliminary planned development zone change proposal under Chapter 1.180.
 16. A preliminary plan/plan for planned development proposal under Chapter 1.180.
 17. Revocation proceedings pursuant to Section 1.070.390 of this code.
- D. The Planning Commission may refer any matter directly to the City Council with or without cause with a two-thirds affirmative vote from appointed members.
- E. The Historic Sites and Districts Committee shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. The Historic Sites and Districts Committee shall apply the standards herein set forth in this Chapter.
1. The Historic Sites and Districts Committee shall consist of 1 City Councilor, 1 Commission member and 1 planning staff member, and be appointed by City Council each time service is required; and
 2. Decisions of the Historic Sites and Districts Committee shall be made in a public meeting, notice shall be published at least 10 days prior to the meeting.
- F. The City Council shall conduct a public hearing in a manner prescribed by this chapter and shall have the authority to approve, deny, or approve with conditions the following development applications:
1. The formal imposition of Comprehensive Plan map and zoning designations made to lands annexed to the City.
 2. Matters referred to the Council by the Commission for review.

3. Review of initial decisions of other City land use approving authorities, whether on the Council's own motion or otherwise (including appeal or referral) of the following:
 - a. Appeal or referral of any final decision made by an approving authority that is not specifically assigned to the Director or the City Council under this Code.
4. Supplemental application pursuant to ORS 227.184:

“(1) A person whose application for a permit is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

(2) The governing body of a city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

 - (a) A use for which approval is sought under this section; and
 - (b) A rezoning or variance requested in the application. [1999 c.648 s.4]”
5. Appeals of revocations of land use permits issued by the Planning Commission as original approving authority.
6. Appeal of matters decided by the Planning Commission pursuant to referral from the Director.
7. Preliminary plan/plat for planned development proposal under Chapter 1.180.
8. Director decisions not normally reviewed by or appealed to the Planning Commission.

9. Quasi-judicial zoning map amendment without Comprehensive Plan change pursuant to Section 1.020.030 (Ordinance required).
10. Quasi-judicial rezoning concurrent with quasi-judicial Comprehensive Plan amendment (Ordinance required).
11. Quasi-judicial Comprehensive Plan map or text amendments (Ordinance required).
12. Subdivisions pursuant to Chapter 1.180 when requested as part of planned development and/or in conjunction with a variance to the subdivisions standard.
13. Development Agreement (Ordinance required).
14. Annexations.

1.070.110 A Decision by the Director: No Hearing Required.

- A. Pursuant to Section 1.070.090.A, the Director is authorized to make certain decisions, and no hearing shall be held unless an appeal is filed as provided herein, or unless:
 1. An appeal is filed pursuant to Section 1.070.310; or
 2. The Director has an interest in the outcome of the decision, due to some past or present involvement (interpret as in conflict of interest laws) with the applicant, other interested persons or in the property or surrounding property. In such cases, the application shall be treated as if it were filed under Section 1.070.090.C; or
 3. The Director believes that there may be the appearance of conflict of interest or it may be in the public interest to require a more public process and deems it best to refer it.
- B. The decision shall be in the form set forth in Section 1.070.120.
- C. The decision shall be based on the approval criteria set forth in Section 1.070.250.
- D. Notice of the decision by the Director shall be given as provided by Section 1.070.120 and notice shall be governed by the provisions of Section 1.070.140, Contents of Notice, and Section 1.070.150, Failure to Receive Notice.
- E. The record shall include:

1. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;
 2. All correspondence relating to the application;
 3. All information considered by the Director in making the decision;
 4. Any staff report or decision of the Director prepared under Section 1.070.060;
 5. A list of the conditions, if any are attached to the approval of the application; and
 6. A copy of the notice advising of the Director's decision which was given pursuant to Section 1.070.090, and accompanying affidavits, and a list of all persons who were given mailed notice.
- F. Standing to appeal shall be as provided by Section 1.070.290.
- G. The appeal period shall be computed as provided by Section 1.070.300.
- H. The method for taking the appeal shall be as provided by Section 1.070.310 and the notice of appeal submitted by the appellant shall be as provided by Section 1.070.340.
- I. The appeal hearing shall be de novo as provided by Section 1.070.320.
- J. Notice of the final decision on appeal shall be as provided by Section 1.070.270, Notice of Final Decision, and Section 1.070.260, The Form of the Final Decision.
- K. No decision by the Director may be modified from that set out in the notice except upon being given new notice.
- L. The action on the appeal shall be as provided by Section 1.070.370, Action on Appeal.
- M. Resubmittal shall be as provided by Section 1.070.280; Denial of Application: Resubmittal.

1.070.120 Notice of Decision by the Director.

- A. Notice of the Director's decision on an application pursuant to Section 1.070.090 shall be given by the Director in the following manner:
1. Within 10 working days of signing the proposed decision, notice shall be sent by mail to:

- a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application for the following types of Director decisions:
 - (1) Minor modifications to Site Design Reviews or Conditional Use Permits;
 - (2) Non-Conforming status;
 - (3) Sign Permits;
 - b. All surrounding property owners of record of property within the applicable notice area of the property for the following types of Director's decisions:
 - (1) Lot Line Adjustments, Home Occupations - Type I, Unlisted Uses: abutting properties;
 - (2) Major Site Design Reviews, Home Occupations - Type II, Sensitive Lands, Temporary Uses, Accessory Structures, Variances: 100 feet;
 - (3) Land Partitions: 200 feet;
 - (4) Expedited Land Divisions: 300 feet.
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City which includes provision for such notice; and
 - d. Any person who requests, in writing, and pays the required fee established by the Council.
- B. The Director shall cause an affidavit of mailing and/or publication of notice where newspaper publication was required to be filed and made a part of the administrative record. (Newspaper publication is required for all decisions in excess of 100 feet notice radius for property owners.)
- C. Within 72 hours after an application has been deemed complete for a site specific land use decision requiring notice to property owners more than 100 feet, the applicant must post a notice on the property using the following guidelines:
1. The sign should be no less than 2 feet by 3 feet nor larger than 3 feet by 4 feet in size; and

2. The sign should face the street; and
 3. The sign should contain text with the following information regarding the proposal: (Letters should not be less than ½ inch in height.)
 - a. Description of the request; and
 - b. The City assigned file number; and
 - c. The hearing date, if any; and
 - d. The words, "For further information, contact the St. Helens Planning Department at City Hall, 503-397-6272."
 4. The sign must be removed no later than two weeks after the appeal period has expired.
- D. Notice of the decision by the Director shall contain:
1. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
 2. The address and legal description of the subject property;
 3. A statement of where the adopted findings of fact, decision, and statement of conditions can be obtained;
 4. The date the Director's decision will become final;
 5. A statement that a person entitled to notice or adversely affected or aggrieved by the decision may appeal the decision:
 - a. The statement shall explain briefly how an appeal can be taken, the deadlines, and where information can be obtained; and
 - b. The statement shall explain that if an appeal is not filed, the decision shall be final;
 6. A map showing the location of the property.
- E. If not listed in Subsection A above, no notice of a Director's decision is required (e.g. Final Plat Partitions, Final Plat Subdivisions, building permits).

1.070.130 Notice of Planning Commission, Historic Sites & Districts Committee and City Council Proceedings.

- A. Notice of an impending action pursuant to Section 1.070.090 shall be given by the Director in the following manner:
1. At least 20 days prior to the scheduled hearing date, or if 2 or more hearings are scheduled, 10 days prior to the first hearing and 20 days prior to the second hearing, notice shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - b. All property owners of record within the following distances of the property for the following types of applications:
 - (1) Subdivisions: 300 feet;
 - (2) Sign code exceptions/variances: 100 feet;
 - (3) Conditional Use Permits: 300 feet;
 - (4) Planned Developments: 300 feet;
 - (5) Comprehensive Plan Amendments: 300 feet;
 - (6) Zone changes: 300 feet;
 - (7) Zone Ordinance amendments: 300 feet;
 - (8) Historic Sites & Districts Reviews: 300 feet;
 - (9) Referrals or appeals of Director decisions or Planning Commission decisions shall follow the same notice guidelines as stated in Section 1.070.120 and 1.070.130;
 - c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice;
 - d. Any person who requests, in writing, and pays a fee(*) established by the Council; and
 - e. The appellant and all parties to an appeal.

2. Notice of a hearing on a proposed zone change for a mobile home park shall be given to tenants to that mobile home park at least 20 days but no more than 40 days prior to the hearing; and
 3. The Director shall cause an affidavit of mailing of notice to be filed and made a part of the administrative record.
- B. At least 10 days prior to the hearing, notice shall be given for publication in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.
- C. Where applicable, other notices required by law shall be accomplished.

1.070.140 Contents of the Notice for Public Hearings.

- A. Notice given to persons entitled to mailed or published notice pursuant to Section 1.070.130 shall include the following information, in accordance with ORS 197.763(3):
1. The number and title of the file containing the application and the address and phone number of the Director's office where additional information can be obtained;
 2. A description of the subject property, reasonably calculated to give notice as to its actual location which shall include, but not be limited to, the address (if any), geographical description or the tax map designations of the County assessor's office;
 3. Except for notice published in the newspaper, a map showing the location of the property;
 4. The nature of the application in sufficient detail to apprise persons entitled to notice of the application's proposal; and
 5. The time, place, and date of the public hearing, a statement that both public oral and written testimony is invited, and a statement that the hearing will be held under this chapter and any rules of procedure adopted by the Council and available at City Hall.
- B. When the proceeding is an initial evidentiary hearing before the Planning Commission or the City Council, the following information shall be included in the mailed notice, in addition to the information required to Subsection 1, above:
1. A list of applicable criteria from ordinance and plan;

2. A statement that failure to raise an issue, including constitutional or other issues relating to the proposed conditions of approval, in this hearing, in person, or by letter, or failure to raise an issue accompanied by statements or evidence sufficient to afford the approving authority an opportunity to respond to the issue precludes appeal to LUBA, the Land Use Board of Appeals on that issue, and precludes an action for damages in circuit court;
 3. A statement that all documents in the file are available for inspection at no cost, or copies at a reasonable cost; and
 4. A statement that a copy of the staff report will be available for inspection at no cost, or copies at reasonable cost, at least 7 days prior to the hearing.
- C. Other notices shall follow the procedures as per applicable governing rules.

1.070.150 Failure to Receive Notice: Computations.

- A. The failure of property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.
- B. Personal notice is deemed given when the notice is deposited with the United States Postal Service, and published notice is deemed given on the date it is published.
- C. The records of the Columbia County assessor's office shall be the official records used for giving notice required by the ordinances codified in this code, and a person's name and address which is not on file at the time the notice mailing list is initially prepared is not a person entitled to notice under Sections 1.070.120 and 130.
- D. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period or review period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

1.070.155 Hearing Procedure—Preliminary Matters, Ex Parte Communications Bias, Conflict of Interest.

- A. Members of the approval authority shall not:
 1. Communicate, directly or indirectly, with any party or representative of a party, in connection with any issue involved; nor
 2. Take notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case.

- B. No decision or action of the approval authority shall be invalid due to an ex parte contact with a member of the decision making body, if the member of the decision making body receiving the contact:
 - 1. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - 2. Makes a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
- C. Members of the Commission shall be governed by the provisions of Oregon Revised Statute 227.035, St. Helens Ordinance No. 2197 and amendments, and the provisions of this code.
- D. This section shall not apply to Director decisions made under Section 1.070.090.
- E. A communication between the City staff and the decision makers shall not be considered an ex parte contact.
- F. In addition to the provision of Oregon Revised Statute 227.035 which applies to Commission members or Oregon Revised Statutes Chapter 244 which applies to all members of an approval authority, each member of the approval authority shall be impartial. Any member having any substantial past or present involvement with the applicant, or other interested persons, the property or surrounding property, or having a financial interest in the outcome of the proceeding, or having any prehearing contacts, shall state for the record the nature of their involvement or contacts, and shall either:
 - 1. State that they are not prejudiced by the involvement or contacts and will participate and vote on the matter; or
 - 2. State that they are prejudiced by the involvement or contact and will withdraw from participation in the matter.

1.070.160 Hearings Procedure.

- A. Unless otherwise provided by the rules of procedure adopted by the Council, the approval authority shall have the authority to conduct a public hearing, and:
 - 1. Determine who qualifies as a party;

2. Regulate the course, sequence, and decorum of the hearing;
 3. Dispose of procedural requirements or similar matters;
 4. Rule on offers of proof and relevancy of evidence and testimony;
 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony;
 6. Take such other action appropriate for conduct commensurate with the nature of the hearing; and
 7. Approve or deny applications or approve with conditions pursuant to Section 1.070.250.
- B. Unless otherwise provided in the rules of procedure adopted by the Council, the approval authority shall conduct the hearing as follows:
1. Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing, address preliminary matters such as ex-parte communications, conflict of interest and bias, and make a statement that:
 - a. Lists the applicable substantive criteria;
 - b. States that testimony, arguments, and evidence must be directed toward the criteria described in paragraph A. of this subsection, or to the other criteria in the Comprehensive Plan, or the development code which the person believes applies to the decision;
 - c. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
 2. Recognize parties;
 3. Request the Director to present the staff report, to explain any graphic or pictorial displays which are a part of the report, summarize the findings, recommendations and conditions, if any, and to provide such other information as may be requested by the approval authority;
 4. Allow the applicant or a representative of the applicant to be heard;
 5. Allow parties or witnesses in favor of the applicant's proposal to be heard;

6. Allow parties or witnesses in opposition to the applicant's proposal to be heard;
 7. Upon failure of any party to appear, the approval authority shall take into consideration written material submitted by such party;
 8. Allow the applicant to offer rebuttal evidence and testimony limited to rebuttal of points raised. New testimony will not be heard;
 9. If the proceeding is an initial evidentiary hearing before a decision making body, announce that, upon the request of a participant, the body must either grant a continuance for no less than seven days or leave the record open for no less than seven days. Ask if any participant requests a continuance or requests that the record be left open;
 10. If no request for a continuance, conclude the hearing by announcing officially the public hearing is closed;
 11. If no request to leave the record open, close the Record;
 12. Ask if the Applicant waives the opportunity to submit final written argument after the close of the record; and
 13. If no request to submit final argument by the applicant, make a decision pursuant to Section 1.070.250 or to take the matter under advisement pursuant to Section 1.070.180.
- C. Unless otherwise provided by the rules of procedures adopted by the Council, the following rules shall apply to the general conduct of the hearing:
1. The approval authority may ask questions at any time before the close of the hearing, and the answers shall be limited to the substance of the question; questions may also be asked of staff at any time after the close of the hearing and the record, however such questions shall be limited to the evidence in the record and the applicable law;
 2. Parties or the Director must receive approval from the approving authority to submit questions directly to other parties or witnesses or the Director;
 3. A reasonable amount of time shall be given to persons to respond to questions;
 4. No person shall testify without first receiving recognition from the approval authority and stating their full name and address;
 5. The approval authority may require that testimony be under oath or affirmation;

6. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing;
7. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing; and
8. After the close of the hearing and the record, the approval authority may obtain legal advice from its lawyer concerning legal issues raised during the proceedings, instructions on the applicable law, and the application of the law to the evidence in the record. There is no right to rebut legal advice from the approval authority's lawyer provided after the close of the record.

1.070.165 Continuation of the Hearing and Request to Leave the Record Open.

- A. If the proceeding is an initial evidentiary hearing, prior to the close of the hearing, the Chair shall announce that, upon the request of a participant, the hearing authority must either grant a continuance for no less than seven days or leave the record open for no less than seven days as set forth in ORS 197.763:
 1. A continued hearing is conducted in the same manner as the original hearing; and
 2. When the record is left open, any person may submit relevant written testimony, argument or evidence and any person may raise new issues which relate to the new testimony argument or evidence, as specified in ORS 197.763.
- B. In addition to a continuance or request to leave the record open pursuant to paragraph A. above, the hearing authority may continue a public hearing or leave the record open at its discretion. Said continuance or opening may be to gather additional evidence, to consider the application fully, or to give notice to additional persons.
- C. Unless otherwise provided by the approval authority, no additional notice need be given of the continued hearing if the matter is continued to a date, time, and place certain. Notwithstanding, the above, renotification in accordance with the notice and advertising requirements of this Chapter shall be required if:
 1. The requested continuance, which would delay or continue the hearing over 60 calendar days from the date of the original hearing date. The requestor shall pay the cost of the re-notification if the requestor had previously been granted a continuance; or

2. If the continuation results in a change in the application to such a degree that the notice of the proposed action does not reasonably describe the application.
- D. If a quorum of the hearing authority does not appear for a scheduled public hearing, the public hearing shall automatically be continued to the date and time of the next regularly scheduled meeting.
- E. Unless requested or agreed to by the applicant, the time period of the continuance or period of time the record is held open is included in the time limit for final decision as set forth in 1.070.030

1.070.170 Final Written Argument.

After the close of the record, the Chair shall ask the applicant if the applicant desires to waive submission of final written argument as provided by ORS 197.763. If final argument is waived, the approval authority may proceed to deliberate and make a decision. If the applicant desires to submit final written argument, a date and time certain no less than seven calendar days 7 from the date of request shall be set for the submission of written argument and deliberations on the matter shall be continued to the next regularly scheduled meeting after the submission of written argument. The time period for this delay in obtaining a final decision shall not be included in the time limits for final decision as set forth in 1.070.030.

1.070.180 Continuation of the Hearing.

- A. An approval authority may continue the hearing from time to time to gather additional evidence, to consider the application fully, or to give notice to additional persons.
- B. Unless otherwise provided by the approval authority, no additional notice need be given of the continued hearing if the matter is continued to a date, time, and place certain.

1.070.200 Evidence.

- A. All evidence offered and not objected to may be received unless excluded by the approval authority on its own motion.
- B. Evidence received at any hearing shall be of a quality that reasonable persons rely upon in the conducting of their everyday affairs.
- C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- D. Formal rules of evidence, as used in courts of law, shall not apply.

1.070.210 Judicial Notice.

- A. The approval authority may take notice of the following:
 - 1. All facts which are judicially noticeable. Such noticed facts shall be stated and made part of the record, pursuant to ORS 183.450:

“(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude agency action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. Agencies and hearing officers shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of

presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

(3) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the agency.

(4) The hearing officer and agency (*Note: For purposes of this Code - The Approving Authority*) may take notice of judicially cognizable facts, and may take official notice of general, technical or scientific facts within the specialized knowledge of the hearing officer or agency. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed. The hearing officer and agency may utilize the hearing officer's or agency's experience, technical competence and specialized knowledge in the evaluation of the evidence presented.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence. [1957 c.717 s.9; 1971 c.734 s.15; 1975 c.759 s.12; 1977 c.798 s.3; 1979 c.593 s.21; 1987 c.833 s.1; 1995 c.272 s.5; 1997 c.391 s.1; 1997 c.801 s.76; 1999 c.448 s.5; 1999 c.849 s.34]"

2. The statewide planning goals adopted pursuant to Oregon Revised Statutes Chapter 197; and
 3. The comprehensive plan and other officially adopted plans, implementing ordinances, and rules and regulations of the City of St. Helens.
- B. Matters judicially noticed need not be established by evidence and may be considered by the approval authority in the determination of the application.

1.070.220 Participation in the Decision: Voting.

- A. In addition to the provision of Oregon Revised Statute 227.035 which applies to Commission members or Oregon Revised Statutes Chapter 244 which applies to all members of an approval authority, each member of the approval authority shall be impartial. Any member having any substantial past or present involvement with the applicant, or other interested persons, the property or surrounding property, or having

a financial interest in the outcome of the proceeding, or having any prehearing contacts, shall state for the record the nature of their involvement or contacts, and shall either:

1. State that they are not prejudiced by the involvement or contacts and will participate and vote on the matter; or
 2. State that they are prejudiced by the involvement or contact and will withdraw from participation in the matter.
- B. An affirmative vote by a majority of the qualified voting members of the approval authority who are present is required to approve, approve with conditions, or deny an application or to amend, modify, or reverse a decision on appeal or review.
- C. Notwithstanding Subsections A and B of this section, no member of an approval authority having a financial interest in the outcome of an application shall take part in proceedings on that application; provided, however, with respect to the Council only, a member may vote upon a finding of necessity which shall be placed on the record by the presiding officer.
- D. Only those qualified members who have reviewed the entire record shall vote.
- E. In the event of a tie, the decision which is the subject of appeal or review shall stand.

1.070.230 Record of Proceeding for Public Hearings.

- A. A verbatim record of the proceeding shall be made by stenographic or mechanical means, and:
1. It shall not be necessary to transcribe testimony except as provided for in Section 1.070.330; and
 2. The minutes or transcript of testimony, or other evidence of the proceedings, shall be part of the record.
- B. All exhibits received shall be marked so as to provide identification upon review.
- C. The official record shall include:
1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and recorded or considered by the approval authority as evidence;

2. All materials submitted by the Director to the approval authority with respect to the application including in the case of an appeal taken pursuant to Section 1.070.290 the record of the Director's decision as provided by Section 1.070.110;
3. The transcript of the hearing, if requested by the Council or a party, or the minutes of the hearing, or other evidence of the proceedings before the approval authority;
4. The written findings, conclusions, decision and, if any, conditions of approval of the approval authority;
5. Argument by the parties or their legal representatives permitted pursuant to Section 1.070.320 at the time of review before the Council;
6. All correspondence relating to the application; and
7. A copy of the notice which was given as provided by Section 1.070.130, accompanying affidavits and list of persons who were sent mailed notice.

1.070.250 The Decision Process of the Approval Authority.

- A. The decision shall be based on:
1. Proof by the applicant that the application fully complies with:
 - a. Applicable portions of the City of St. Helens comprehensive plan; and
 - b. The relevant approval standards found in the applicable chapter(s) of this code or other applicable implementing ordinances;
 2. The standards and criteria that were applicable at the time the application was determined to be complete; at such time as the City's plan and applicable ordinances are acknowledged.
- B. Consideration may also be given to:
1. Proof of a change in the neighborhood community or a mistake in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and
 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other

applicable standards and criteria, possible negative or positive attributes of the proposal or factors in Subsections A or B of this section.

- C. In all cases, the decision shall include a statement in a form addressing the requirements of Section 1.070.060 which refers to the Director's staff report.
- D. The approval authority may:
1. Adopt findings and conclusions contained in the staff report;
 2. Adopt findings and conclusions of a lower approval authority;
 3. Adopt its own findings and conclusions;
 4. Adopt findings and conclusions submitted by any party provided all parties have had an opportunity to review the findings and comment on the same; or
 5. Adopt findings and conclusions from another source, whether with or without modification, having made a tentative decision, and having directed staff to prepare findings for review and to provide an opportunity for all parties to comment on the same.
- E. The decision may be for denial, approval, or approval with conditions. Any additional conditions shall be pursuant to Subsections 1 through 6 of this section.
1. Conditions may be imposed where such conditions are necessary to:
 - a. Carry out the applicable provisions of the St. Helens Comprehensive Plan; and
 - b. Carry out the applicable implementing ordinances;
 2. Conditions of approval shall be fulfilled within the time limit set forth in the decision or, if no time limit is set forth, within 1 year. Failure to fulfill any condition of approval within the time limitations provided may be grounds for revocation of approval;
 3. Changes, alterations, or amendments to the substance of the conditions of approval shall be processed as a new action;
 4. Prior to the commencement of development (i.e. the issuance of any permits or the taking of any action under the approved development application), the owner and any contract purchasers of the property which is the subject of the approved application, if made a condition of approval, may be required to sign

- and deliver to the Director their acknowledgment and consent to such conditions;
5. The conditional approval may require the owner of the property to sign within a time certain or, if no time is designated, within a reasonable time, a contract with the City for enforcement of the conditions and:
 - a. The Council shall have the authority to execute such contracts on behalf of the City;
 - b. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded in a real property record of the applicable County and filed in the County records; and
 - c. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by the City by appropriate action in law or suit in equity for the benefit of public health, safety, and welfare.
 6. A bond in a form acceptable to the Director or, upon appeal or review by the appropriate approval authority, a cash deposit from the property owners or contract purchasers in such an amount as will ensure compliance with the conditions imposed pursuant to the Section, may be required. Such bond or deposit shall be posted prior to the issuance of a building permit for the use covered by the application.

1.070.260 The Form of the Final Decision.

- A. The final decision shall be a decision which is in writing and which has been:
 1. Signed by the Director in the case of a final decision by the Director, and filed as a final decision within 10 calendar days unless extended pursuant to Section 1.070.300; or
 2. Formally adopted and signed by the chairperson of the Planning Commission, or the duly authorized commissioner designated by Planning Commission vote, and filed with the Director within 10 calendar days of the formal adoption of the decision; or
 3. Formally adopted by the Council, and signed by the Mayor, or the duly authorized councilor designated by City Council vote, and filed with the Director within 10 calendar days of the formal adoption of the decision; or

4. Formally adopted by the Historic Sites and Districts Committee and signed by the Chair and filed with the Director within 10 calendar days of the formal adaption of the decision.
- B. The final decision shall be filed in the records of the Director within 10 calendar days after the decision is signed.

1.070.270 Notice of Final Decision.

- A. Notice of a final decision shall contain:
1. A statement that all required notices under Section 1.070.130 have been met;
 2. A statement of where the adopted findings of fact, decision, and statement of conditions can be obtained;
 3. The date the final decision was filed; and
 4. A statement of whether a party to the proceeding may seek review of the decision, as appropriate.
- B. Notice of the final decision shall be mailed to the applicant and to all the parties to the decision, and shall be made available to the members of the Council.

1.070.275 Amended Decision Process.

- A. The approving authority may issue an amended decision after the notice of final decision has been issued and within 10 working days of receipt of a proper request for an amended decision.
- B. A request for an amended decision shall be in writing, accompanied with the appropriate fee, and filed with the Director within the appeal period, after the notice of final decision has been filed.
- C. A request for an amended decision may be filed within the appeal period by:
1. The City Council (via minutes of meeting and majority voting);
 2. The Planning Commission (via minutes of meeting and majority voting);
 3. The Director or representative (via letter to file);

4. Any party entitled to notice of the original decision (via application and required fee); or
 5. Any party who submitted comments in writing on the original decision (via application and required fee).
- D. The amended decision process shall be limited to 1 time for each original application.
- E. The approving authority shall make the determination as to issuance of an amended decision based on findings that 1 or more of the following conditions exist (except when agreed in writing by applicant):
1. An error or omission was made on the original notice of final decision;
 2. The original decision was based on incorrect information; and
 3. New information becomes available during the appeal period which was not available when the decision was made which alters the facts or conditions in the original decision.
- F. An amended decision shall be processed in accordance with Sections 1.070.120 and 1.070.130 of this code.

1.070.280 Denial of the Application: Resubmittal.

- A. An application which has been denied or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least 12 months from the date the final City action is made denying the application unless there is a substantial change in the facts or a change in City policy which would change the outcome, except as per Section B below;
- B. An applicant may resubmit a denied application pursuant to ORS 227.184.

“(1) A person whose application for a permit is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

(2) The governing body of a city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240

days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

(a) A use for which approval is sought under this section; and

(b) A rezoning or variance requested in the application. [1999 c.648 s.4]"

1.070.290 Standing to Appeal.

A. In the case of a decision by the Director, any person entitled to notice of the decision under Section 1.070.120 or any person who is adversely affected or aggrieved by the decision, may file a notice of appeal as provided by Section 1.070.310.

B. In the case of a decision by the Planning Commission, except for a decision on an appeal of the Director's decision, any person shall be considered a party to a matter, thus having standing to appeal, provided:

1. The person appeared before the Planning Commission orally or in writing and:

a. The person was entitled as of right to notice and hearing prior to the decision being appealed; or

b. The person is aggrieved or has interests adversely affected by the decision.

C. In the case of a decision by the Historic Sites and Districts Committee, except for a decision on an appeal of the Director's decision, any person shall be considered a party to a matter, thus having standing to appeal, provided:

1. The person appeared before the Planning Commission orally or in writing and:

a. The person was entitled as of right to notice and hearing prior to the decision being appealed; or

b. The person is aggrieved or has interests adversely affected by the decision.

1.070.300 Computation of Appeal Period from a Director's Decision and Effective Date of the Decision.

- A. In computing the length of the appeal period of any approval authority and the effective date for a Director's decision, the day the notice is mailed shall be excluded and the last day for filing the appeal, and the effective date shall be included unless the last day falls on a legal holiday for the City or on a Saturday, in which the last day shall be the next business day. The Director may extend the appeal period and the effective date to the day following a Planning Commission or City Council meeting when the computed appeal period would not otherwise provide an opportunity for the Planning Commission or City Council to be notified regarding the decision. The appeal period thus computed shall not be less than 7 nor greater than 20 days. Unless an extension is granted decisions of the Director shall normally be 10 calendar days; decisions of the Planning Commission and Historic Sites and Districts Committee shall normally be 14 calendar days (unless required to be longer by law).
- B. The Director may grant an extension of the appeal period and effective date on a Director's decision for a reasonable time only if requested by the applicant and in the condition where no appeal has been filed to that date, except as described in Subsection A above.

1.070.310 Determination of Appropriate Reviewing Body.

- A. All Land Use and Limited Land Use decisions made by the Director may be appealed pursuant to Section 1.070.090, as provided in Table A, located at the end of this chapter;
- B. Final decisions, excluding appeals and reviews of the Director's decision, made by the Planning Commission under Subsections 1.070.090.B or C may be appealed to the Council, as provided in Table A, located at the end of this chapter, by:
 - 1. The filing of a notice of appeal (application) as provided by Section 1.070.340 by any party to the decision by 5:00 p.m. on the final date of the appeal period, as stated in the Notice of Final Decision;
 - 2. The Council, on its own motion, seeking review by majority voice vote prior to the final date of the appeal period; or
- C. Final decision made by the Historic Sites and Districts Committee may be reviewed by the City Council.
- D. Failure to file an appeal shall be deemed a failure to exhaust administrative remedies. It is the purpose of this section to provide parties every remedy possible. The filing of an appeal is a condition precedent to litigation.

1.070.320 Type of Appeal.

- A. The appeal of a decision made by the Director under Subsection 1.070.090.A. and Section 1.070.110 shall be de novo and conducted as if brought under Subsections 1.070.090.B. or C.
- B. The appeal of an original decision made by the Planning Commission to the City Council shall be de novo and conducted as if brought under Subsections 1.070.090.C or D, pursuant to Subsection 1.070.160 through 1.070.285.

1.070.330 Transcripts.

- A. The appellant or any party who is the first to request a transcript shall be responsible to satisfy all costs incurred for preparation of the transcript at a rate of actual costs. Payment shall be made in full at least 5 days prior to the hearing.
- B. Any party other than the appellant or the first party to request a transcript shall be charged copy costs as per St. Helens Resolution 1332 and amendments thereafter.

1.070.340 Notice of Appeal (Application).

- A. The notice of appeal shall contain:
 - 1. A reference to the application sought to be appealed;
 - 2. A statement as to how the petitioner qualifies as a party;
 - 3. The specific grounds for the appeal. Grounds shall include specific reference to the Development Code sections or comprehensive plan provisions which form the basis for the appeal; and
 - 4. The date of the filing of the final decision on the action or, in the case of a decision by the Director, the date the decision was filed and the date notice of the final or proposed decision was given.
- B. The appeal shall be accompanied by the required fee.
- C. The appeal shall be filed in accordance with the appeal deadline specified in the Notice of Decision.

- D. All the requirements of Section 1.070.340 are jurisdictional requirements for filing a valid petition for appeal.

1.070.345 Fee Waiver for Appeals.

- A. The fee for a petition (application) for appeal may be waived or reduced and/or refunded in whole or in part to the applicant by the Council upon written request if:
 - 1. The proposed project will benefit the general public; or
 - 2. The applicant is a public agency or non-profit, community-oriented service organization; or
 - 3. Payment of the application fee would pose a financial hardship to the applicant.
- B. Only the "local" portion of a fee may be waived or reduced when a portion of a fee must be remitted to another agency as required by law.
- C. If the reason for the appeal is found to be due to a mistake by the original approving authority and the appellant is the final prevailing party after all appeals are completed, then the fee shall be refunded in full.

1.070.350 Persons Entitled to Notice on Appeal: Type of Notice.

Upon appeal, notice shall be given to parties entitled to notice under Sections 1.070.130 and 1.070.290.

1.070.360 Contents of Notice on Appeal.

Notice shall include those matters provided by Section 1.070.140.

1.070.370 Action on Appeal: Time Limit and Authority to Change the Decision.

- A. The approval authority shall affirm, reverse, or modify the decision which is the subject of the appeal; however, the decision shall be made in accordance with the provisions of Section 1.070.250; or
- B. Upon the written consent of all parties to extend the 120-day limit, the approval authority may remand the matter if it is satisfied that testimony or other evidence could not have been presented or was not available at the time of the hearing. In deciding to remand

the matter, the approval authority shall consider and make findings and conclusions regarding:

1. The prejudice to parties;
2. The convenience or availability of evidence at the time of the initial hearing;
3. The surprise to opposing parties;
4. The date notice was given to other parties as to an attempt to admit; or
5. The competency, relevancy, and materiality of the proposed testimony or other evidence.

1.070.380 Final Action of the Approval Authority: Effective Date.

- A. Final action by the approval authority on appeal shall be effective on the day of the decision or the day that the final order is signed, whichever is later.
- B. Within 5 working days of the filing of the final action of the appeal authority, the Director shall give notice of the final action to all parties to the proceeding, informing them of the date of filing, the decision rendered, and where a copy may be found.

1.070.390 Revocation of Approvals.

- A. An approval authority may, after a hearing conducted pursuant to this chapter, modify or revoke any approval granted pursuant to this chapter for any of the following reasons:
 1. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional; or
 2. A failure to comply with the terms and/or conditions of approval; or
 3. A failure to use the premises in accordance with the terms of the approval; or
 4. A material misrepresentation or mistake or fact or policy by the City in the written or oral report regarding the matter whether such misrepresentation be intentional or unintentional.

Note: Misrepresentation or mistake referred to in Subsection 1.070.390.A.1 and 4 above must be material to the criteria for the decision.

- B. In the case of a decision made by the Director, the hearing on whether to modify or revoke an approval shall be held by the applicable appeal authority.
- C. Revocations of approval made by the Planning Commission may be appealed to the City Council as provided by Section 1.070.290 and other applicable portions of this Chapter.
- D. Revocations of approval made by the Historic Sites and Districts Committee may be appeal to the City Council as provided by Section 1.070.290 and other applicable portions of this Chapter.

TABLE A		
LAND USE DECISION PROCESS		
(note: for all land use decisions there can only be one approval authority and one appeal authority in the City)		
DIRECTOR <i>Decision without hearing</i>	PLANNING COMMISSION <i>Public hearing</i>	CITY COUNCIL <i>Public hearing</i>
ACCESSORY STRUCTURES pursuant to Chapter 1.156	Appeal or referral ^{1*}	
LOT LINE ADJUSTMENTS pursuant to Chapter 1.172;	Appeal or referral*	
PARTITIONS pursuant to Chapter 1.172;	Appeal or referral*	
	SUBDIVISIONS pursuant to Chapter 1.170 when not part of a planned development;	Appeal or referral
	Recommendation on SUBDIVISIONS pursuant to Chapter 1.180 when requested as part of PLANNED DEVELOPMENT and/or in conjunction with a VARIANCE to the subdivisions standard;	SUBDIVISIONS pursuant to Chapter 1.180 when requested as part of PLANNED DEVELOPMENT and/or in conjunction with a variance to the subdivisions standard.
REVIEW OF USES in Willamette Greenway zone	Appeal or referral*	Ordinance Required
EXPEDITED LAND DIVISION (partition, subdivision, or PUD meeting definition and requirements of ORS 197.360.	Appointed referee	Oregon Court of Appeals

* referrals can be appealed to the City Council

City of St. Helens
Community Development Code

DIRECTOR <i>Decision without hearing</i>	PLANNING COMMISSION <i>Public hearing</i>	CITY COUNCIL <i>Public hearing</i>
SITE DEVELOPMENT pursuant to Chapter 1.128;	Referral	Appeal
VARIANCE pursuant to Chapter 1.144;	Appeal or referral*	
HOME OCCUPATION pursuant to Chapter 1.154;	Appeal or referral*	
SOLAR ACCESS for new construction on lots not covered by 1.070.090 C.3. pursuant to Chapter 1.096.	Appeal or referral*	
	SOLAR ACCESS requirements for new subdivisions pursuant to Chapter 1.096;	Appeal or referral
SIGN PERMITS	Appeal or referral ^{2*}	
	SIGN CODE EXCEPTIONS and SIGN CODE VARIANCES pursuant to Chapter 1.122;	Appeal or referral
TEMPORARY USE pursuant to Chapter 1.152	Appeal or referral*	
UNLISTED USES	Appeal or referral*	
SENSITIVE LAND PERMIT	Appeal or referral*	
	SENSITIVE LAND PERMIT within the flood plain pursuant to Chapter 1.092;	Appeal or referral
	CONDITIONAL USE pursuant to Chapter 1.140;	Appeal or referral
	Appeal of Revocation of Director Decision	Appeal of Revocation of Planning Commission or Historic Sites & Overlay District Committee Decisions.
	Recommendation on a preliminary PLANNED DEVELOPMENT ZONE CHANGE proposal under Chapter 1.180;	A preliminary PLANNED DEVELOPMENT ZONE CHANGE proposal under Chapter 1.180; Ordinance Required.

* referrals can be appealed to the City Council

City of St. Helens
Community Development Code

DIRECTOR <i>Decision without hearing</i>	PLANNING COMMISSION <i>Public hearing</i>	CITY COUNCIL <i>Public hearing</i>
	Preliminary plan/plat for PLANNED DEVELOPMENT proposal under Chapter 1.180;	Appeal or referral
Final Land Division Plan/Plat	Appeal	
	Recommendation on quasi-judicial ZONING MAP AMENDMENT without comprehensive plan change pursuant to Section 1.020.030	Quasi-judicial ZONING MAP AMENDMENT without comprehensive plan change pursuant to Section 1.020.030 Ordinance Required.
	Recommendation on quasi-judicial REZONING concurrent with a quasi-judicial comprehensive plan amendment.	Quasi-judicial REZONING concurrent with quasi-judicial comprehensive plan amendment. Ordinance Required
	Recommendation on quasi-judicial COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT	Quasi-judicial COMPREHENSIVE PLAN MAP OR TEXT AMENDMENTS. Ordinance Required.
	Recommendation on ANNEXATION request	ANNEXATIONS as referred by the Planning Commission. Ordinance required.
	Recommendation on COMPREHENSIVE PLAN AND ZONING DESIGNATIONS made to lands ANNEXED to the City	The formal imposition of COMPREHENSIVE PLAN MAP AND ZONING DESIGNATIONS made to lands ANNEXED to the City
	Recommendation on DEVELOPMENT AGREEMENT	DEVELOPMENT AGREEMENT Ordinance Required.
	ANY OTHER LAND USE MATTER not specifically assigned to the Director or the City Council under this code	Appeal or referral
MINOR MODIFICATIONS TO CONDITIONAL USE PERMIT	Appeal or referral*	
ACCESS VARIANCE	Appeal or referral*	
NONCONFORMING STATUS	Appeal or referral*	

DIRECTOR <i>Decision without hearing</i>	PLANNING COMMISSION <i>Public hearing</i>	CITY COUNCIL <i>Public hearing</i>
		Supplemental Application per ORS 227.184.
	HISTORIC SITES & OVERLAY DISTRICT COMMITTEE <i>Public hearing</i>	CITY COUNCIL <i>Public hearing</i>
	Recommendation on historic sites pursuant to Chapter 1.090	Final decisions
	Approval for exterior changes to historic sites pursuant to Chapter 1.090	Appeals only

Chapter 1.075 ANNEXATION.

Sections:

- 1.075.010 Purpose.**
- 1.075.020 Administration and Approval Process.**
- 1.075.030 Approval Standards.**
- 1.075.040 Application Submission Requirements.**

1.075.010 Purpose.

- A. The purpose of this chapter is to:
 - 1. Implement the policies of the comprehensive plan;
 - 2. Provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal;
 - 3. Provide for dissemination of public information and for sufficient time for public review;
 - 4. Provide for City and County coordination of annexation requests; and
 - 5. Provide for an expedited process by establishing procedures whereby the annexation and rezoning may be considered concurrently.

1.075.020 Administration and Approval Process.

- A. The applicant for an annexation proposal shall be as provided by Chapter 1.070 and shall concurrently apply for an established area/developing area designation as provided by Chapter 1.150 and for a zone map change following procedures outlined in Chapter 1.070 and a Comprehensive Plan map amendment pursuant to Chapter 1.070.
- B. A preapplication conference with City staff is required. (See Chapter 1.070.)
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid for no more than 6 months:

1. Another preapplication conference is required if any site development application is submitted 6 months after the preapplication conference; and
 2. Failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria or requirements of the application.
- D. Within 60 days after the closing of the application submittal period, the Planning Commission shall hold a public hearing in accordance with the provisions of Chapter 1.070 and shall make a recommendation to the City Council for approval, approval with modifications, or denial of the annexation based on the standards in Chapter 1.075. At the same hearing, the Planning Commission shall recommend assignment of the development or established area classification as provided by Chapter 1.150, and the zoning and comprehensive plan map designations as provided in Chapter 1.070.
- E. Any new zoning designation approved by the City through this process shall not become effective until the effective date of the City Council's final action on the proposed annexation.
- F. City notices, regarding the annexation, and given pursuant to Section 1.070.130, shall contain a declaration of the City's intent to consider placing the property proposed for annexation or any part thereof in a City plan and zoning classification including whether it will be annexed as an established area as provided by Subsection 1.150.020.A or developing area as provided by Subsection 1.150.020.B.
- G. Annexations will comply with the City Charter, as amended.

1.075.030 Approval Standards.

- A. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:
1. Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
 2. Comply with Comprehensive Plan Amendment Standards and Zoning Ordinance Amendment Standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
 3. Complies with State laws; and
 4. Abutting roads must meet City standards or property owner will be required to sign and record an Irrevocable Consent to Local Improvement District; and

5. Property exceeding 10 acres in gross size must show a need on the part of the City for such land if it is designated residential (e.g. less than 5 years supply of like designated lands in current City limits).
- B. The plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's comprehensive plan map designation.
- C. The determination of whether the property is an established area or a developing area will be based on the standards contained in Chapter 1.150.

1.075.040 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 1. Copies of the annexation area, conceptual development plan(s) and necessary data or narrative (number to be determined at the preapplication conference), which explains how the annexation conforms to the standards:
 - a. Sheet size for an annexation area, conceptual development plan and required drawings shall preferably not exceed 18 inches by 24 inches; and
 - b. The scale of the required drawings shall be an engineering scale;
 2. The required fee.
- B. The required information may be combined and does not have to be placed on separate maps.
- C. The annexation area plan, data and narrative shall include the following:
 1. A map to a scale shown in Subsection A.1.b of the area to be annexed which includes the surrounding area;
 2. A map of the area shown on the Columbia County assessor map;
 3. A complete legal description of the annexation area;
 4. A statement of the availability, capacity, and status of existing water, sewer, drainage, and transportation facilities;

5. A statement of the increased demand for such facilities to be generated by any proposed development within the annexation area; and
6. A conceptual development plan which includes:
 - a. The type of intensities (density) of the proposed land use;
 - b. Transportation corridors;
 - c. Significant natural features; and
 - d. Adjoining land uses.

Chapter 1.080 ZONES AND USES.

Sections:

- 1.080.010 Classification of Zones.**
- 1.080.020 Zoning District Map.**
- 1.080.030 Determination of Zoning Boundaries.**
- 1.080.040 Unlisted Use: Authorization of Similar Use.**
- 1.080.050 Suburban Residential Zone: R-10.**
- 1.080.060 Moderate Residential Zone: R-7.**
- 1.080.070 General Residential Zone: R-5.**
- 1.080.080 Apartment Residential Zone: AR.**
- 1.080.090 Mobile Home-Residential Zone: MHR.**
- 1.080.095 Mixed Use Zone: MU.**
- 1.080.100 Highway Commercial: HC.**
- 1.080.110 General Commercial: GC.**
- 1.080.120 Marine Commercial: MC.**
- 1.080.130 Light Industrial: LI.**
- 1.080.140 Heavy Industrial: HI.**
- 1.080.150 Public Lands: PL.**
- 1.080.160 Willamette Greenway: WG.**

1.080.010 Classification of Zones.

All areas within the corporate limits of the City of St. Helens are divided into zoning districts. The use of each tract and ownership of land within the corporate limits is limited to those uses permitted by the zoning classification applicable to each such tract as designated in the following table. The zoning districts within the City of St. Helens are hereby classified and designated as follows:

Suburban Residential	R-10	Highway Commercial . . .	HC
Moderate Residential	R-7	General Commercial . . .	GC
General Residential	R-5	Marine Commercial	MC
Apartment Residential	AR	Light Industrial	LI
Mobile Home Residential .	MHR	Heavy Industrial	HI
Mixed Use	MU	Willamette Greenway . . .	WG
		Public Lands	PL

1.080.020 Zoning District Map.

- A. The boundaries of each of the foregoing districts listed in the table in Section 1.080.010 and the zoning classification and use of each tract in each of said zoning districts is prescribed to coincide with the identifying zone classifications shown on the map entitled *St. Helens Zoning District Map*, dated with the effective date of this code and signed by the Mayor and City Recorder and referred to as the *zoning district map* and the map by this reference is made a part of the code. A certified print of the adopted zoning district map or map amendments shall be maintained in the office of the Planning Division as long as the code remains in effect.
- B. Each lot, tract, and parcel of land or portion thereof within the zone boundaries as designated and marked on the zoning map, is classified, zoned, and limited to the uses as hereinafter specified and defined for the applicable zone classification.
- C. Amendments to the City zoning district map may be made in accordance with the provisions of this Code.
 - 1. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting documents, on file in the Planning Department; and
 - 2. The Director shall maintain in the office and available for public inspection an up-to-date copy of the City zoning district map to be revised so that it accurately portrays changes of zone boundaries.

1.080.030 Determination of Zoning Boundaries.

- A. Where due to the scale, lack of scale, lack of detail, or illegibility of the City zoning district map or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the Director in accordance with the following standards:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, railroads tracks, or alleys shall be construed to follow such centerlines;
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - 3. Boundaries indicated as approximately following City limits shall be construed as following City limits;

4. Boundaries indicated as approximately following river, stream, and/or drainage channels shall be construed as following river, stream, and/or drainage channels; and
5. Whenever any street is lawfully vacated, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall automatically be subject to the same zoning district designation that is applicable to lands to which the street attaches.

1.080.040 Unlisted Use: Authorization of Similar Use.

A. Purpose:

1. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur.
2. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.

B. Administration:

1. The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.

C. Limitation:

1. The Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use.
2. The decision of the Director may be appealed in accordance with 1.070.290.

D. Approval Standards:

1. Approval or denial of an unlisted use application by the Director shall be based on findings that:
 - a. The use is consistent with the comprehensive plan;
 - b. The use is consistent with the intent and purpose of the applicable zoning district;

- c. The use is similar to and of the same general type as the uses listed in the zoning district;
- d. The use has similar intensity, density, and off-site impacts as the uses listed in the zoning district; and
- e. The use has similar impacts on the community facilities as the listed uses.

1.080.050 Suburban Residential Zone: R-10.

- A. *Purposes:* The R-10 Zone is intended to provide minimum development standards for residential purposes and to establish larger urban residential home sites.
- B. *Uses Permitted Outright.* In an R-10 Zone, the following uses are permitted outright:
 - 1. Home Child Care.
 - 2. Home Occupation, Type I and II (after compliance with Chapter 1.154).
 - 3. Public Facilities, Minor.
 - 4. Public Park after Site Design Review.
 - 5. Residential Care Facility, with Site Design Review as a condition.
 - 6. Single Dwelling Unit, Detached.
- C. *Conditional Uses:* (See Chapter 1.140) In an R-10 Zone, the following conditional uses may be permitted upon application:
 - 1. Auxiliary Dwelling Units.
 - 2. Children's Day Care or Day Nursery.
 - 3. Cultural exhibits and library services.
 - 4. Nursing/Convalescent Care facility
 - 5. Private Park.
 - 6. Public Facilities, Major.
 - 7. Public Safety Facilities.

8. Religious Assembly.
 9. Transitional Care Facility, minimum of 100 feet setback from other residences.
- D. Standards: In the R-10 Zone the following standards shall apply:
1. The minimum lot size shall be 10,000 square feet for all uses.
 2. The minimum lot width at the building line shall be 70 feet, except on a corner lot it shall be 85 feet.
 3. The minimum lot width at the street shall be 60 feet.
 4. The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
 5. The minimum lot depth shall be 100 feet.
 6. The minimum front yard shall be 20 feet.
 7. The minimum side yard width shall be 10 feet except on corner lots where the setback shall be 20 feet when facing a street other than an alley.
 8. The minimum rear yard depth shall be 20 feet.
 9. The minimum front and side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right of way widths to serve the area; in such cases, the Planning Commission shall determine the necessary setback requirements.
 10. The maximum building height shall be 35 feet, except as required in Section 1.106.040.
 11. Structures and buildings shall not occupy more than 35 percent of the lot area.
 12. No lot shall have more than 1 principal building thereon.
 13. The minimum landscaping shall be 25 percent of the lot area.
- E. *Additional Requirements:*
1. Residential density transition, Section 1.100.040.
 2. Overlay Districts Chapters:
1.180 Planned Development,

- 1.090 Historic Overlay District,
1.092 Sensitive Lands, and
1.096 Solar Access Requirements.
- 3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
- 4. Site Development Review, Chapter 1.128.
- 5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
- 6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.060 Moderate Residential Zone: R-7.

- A. Purpose: The R-7 Zone is intended to provide minimum development standards for residential purposes and to establish urban moderate density residential home sites.
- B. *Uses Permitted Outright:* In an R-7 Zone, the following uses are permitted outright:
 - 1. Home Child Care.
 - 2. Home Occupation, Type I and II (per Chapter 1.154).
 - 3. Public Facilities, Minor.

4. Public Park after Site Design Review.
 5. Residential Care Facility, with Site Design Review as a condition.
 6. Single Dwelling Unit, Detached.
- C. *Conditional Uses:* (See Chapter 1.140) In an R-7 Zone, the following conditional uses may be permitted upon application:
1. Auxiliary Dwelling Units.
 2. Bed and Breakfast, Homestay, Boarding House.
 3. Children's Day Care/Day Nursery.
 4. Community Recreation including Structures.
 5. Congregate Care.
 6. Duplex Residential Units.
 7. Neighborhood Store/Plaza.
 8. Nursing/Convalescent Home.
 9. Private Park.
 10. Public Facilities, Major.
 11. Public Safety Facilities.
 12. Religious Assembly.
 13. Transitional Care Facility with minimum 100 foot setbacks.
- D. *Standards:* In the R-7 Zone the following standards shall apply:
1. The minimum lot size is 7,000 square feet for all uses except for duplexes which need 10,000 square feet on interior lots.
 2. The minimum lot width at the building line shall be 60 feet, except on a corner lot it shall be 85 feet.
 3. The minimum lot width at the street shall be 50 feet; except for duplexes, the minimum lot width shall be 60 feet.

4. The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
5. The minimum lot depth shall be 85 feet.
6. The minimum side yard shall be 7 feet except on corner lots where the setback shall be 14 feet when facing a street other than an alley.
7. The minimum rear yard depth shall be 20 feet.
8. The minimum front and side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right of way widths to serve the area; in such cases, the Planning Commission shall determine the necessary setback requirements.
9. The maximum building height shall be 35 feet.
10. Buildings and structures shall not occupy more than 35 percent of the lot area.
11. The minimum landscaping shall be 25 percent of the lot area.

E. Additional Requirements:

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District,
 - 1.092 Sensitive Lands, and
 - 1.096 Solar Access Requirements.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.

5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.

6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.070 General Residential Zone: R-5.

- A. *Purpose:* The R-5 Zone is intended to provide minimum development standards for residential purposes and to establish sites for single dwelling detached and attached units for medium density residential developments..

- B. *Uses Permitted Outright:* In an R-5 Zone, the following uses are permitted outright:
 1. Duplex Dwelling Units.

 2. Home Child Care.

 3. Home Occupation, Type I and II (per Chapter 1.154).

 4. Public Facility, Minor.

 5. Public Park.

 6. Residential Care Facility, with Site Design Review as a condition.

 7. Single Dwelling Units, Attached. (5-units maximum together)

 8. Single Dwelling Unit, Detached.

- C. *Conditional Uses:* (see Chapter 1.140) In an R-5 Zone, the following conditional uses may be permitted upon application:
 1. Auxiliary Dwelling Units.

 2. Bed and Breakfast, Homestay, and Boarding House.

3. Children's Day Care/Day Nursery.
 4. Commercial Recreation Facility.
 5. Congregate Care.
 6. Cultural Exhibits and Library Services.
 7. Neighborhood Store/Plaza.
 8. Multi Dwelling Units.
 9. Nursing/Convalescent Home.
 10. Private Park.
 11. Public Facilities, Major.
 12. Public Safety Facilities.
 13. Religious Assembly.
 14. Transitional Care Facility.
- D. Standards: In the R-5 Zone, the following standards shall apply:
1. For dwellings the minimum lot size shall be 5,000 square feet for the single dwelling unit detached and 5,800 square feet for a duplex dwelling structure and 2,500 square feet for each single dwelling unit, attached (maximum of 5 units together). For multi dwelling units, use duplex size as base plus 2,500 square feet for each multi dwelling unit thereafter.
 2. The maximum building height shall be 35 feet except as required in Section 1.106.040.
 3. The minimum lot width at the building line and street shall be 50 feet for detached units. For duplex structures the width shall be a minimum of 58 feet and for attached single dwelling units the width shall be at least 25 feet wide each. See Section 1.104.030 for multi dwelling units. For flag lots the width at the street shall be a minimum of 20 feet.
 4. The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
 5. The minimum lot depth shall be 85 feet.

6. The minimum front yard shall be 20 feet; see Section 1.104.020.
7. No side yard shall be less than 5 feet wide for single dwelling, detached, duplexes and single dwelling, attached structures and 10 feet for multi-dwelling structures (see Section 1.104.030 for multi dwelling units). Corner lots shall have a minimum sideyard setback of 10 feet on the flanking street.
8. The minimum rear yard depth shall be 10 feet. (See Section 1.104.030 on multi dwelling units.)
9. The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setbacks abut a street having insufficient right of way widths to serve the area; in such cases, the Planning Commission shall determine the necessary setback requirements.
10. Buildings and structures shall not occupy more than thirty-five (35) percent of the lot area except for single attached and multi-dwelling units, which can be up to fifty (50) percent.
11. No lot shall have more than 1 principal building constructed thereon, except for multi-dwelling structures.
12. Multi-dwellings shall be subject to the special standards of Section 1.104.030.
13. The minimum landscaping for dwellings other than multi-dwellings shall be 25 percent of the lot area.

E. *Additional Requirements:*

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District,
 - 1.092 Sensitive Lands, and
 - 1.096 Solar Access Requirements.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,

- 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
- 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
6. Land Division Chapters:
- 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.080 Apartment Residential Zone: AR.

- A. *Purpose:* The AR Zone is intended to provide minimum development standards for residential purposes where complete community services are available and to provide for single dwelling, detached and attached, duplexes, and low/medium-rise multiple-dwelling residential units for heavy density residential development.
- B. *Uses Permitted Outright:* In an AR Zone, the following uses are permitted outright:
- 1. Duplex Residential Units.
 - 2. Home Child Care.
 - 3. Home Occupation, Type I and II (per Chapter 1.154).
 - 4. Multi-Dwelling Unit Residential Facilities.
 - 5. Public Facility, Minor.
 - 6. Public Park.
 - 7. Residential Care Facility.

8. Single Dwelling Unit, Attached Residential Units (5-units maximum together).
 9. Single Dwelling Unit, Detached Residential Units.
- C. *Conditional Uses:* (see Chapter 1.140) In an AR Zone, the following conditional uses may be permitted upon application:
1. Auxilliary Dwelling Units.
 2. Bed and Breakfast, Homestay, and Boarding House.
 3. Children's Day Care/Day Nursery.
 4. Community Recreation, including Structures.
 5. Commercial Recreation Facility.
 6. Congregate Care.
 7. Neighborhood store/plaza.
 8. Hospitals, sanitariums, rest homes, and nursing homes.
 9. Lodge, fraternal, and civic assembly.
 10. Parking Facilities.
 11. Private Parks.
 12. Public Facilities, Major.
 13. Religious Assembly.
 14. Schools and related facilities.
- D. *Standards:* In the AR Zone, the following standards shall apply:
1. For dwellings the minimum lot size shall be 3,050 square feet for single dwelling, detached units; 5,000 square feet minimum lot size for duplex structures; 1,600 square feet minimum lot size for single dwelling, attached units each (maximum of 5 units together); and 1,500 square feet minimum lot size for each multi-dwelling unit over the base of 5,000 square feet for the first 2 units (with no maximum).
 2. The minimum front yard shall be 20 feet.

3. For duplexes the minimum lot width at the street and building line shall be 50 feet; 30 feet for single detached dwelling units and no minimum for multi-dwelling unit lots; for flag lots and single attached dwelling units the minimum lot width at the street is 20 feet.
4. The minimum lot depth shall be 85 feet, except single dwelling units attached shall be 80 feet.
5. No single dwelling detached unit yard shall be less than 5 feet wide on both sides; corners shall be 10 feet wide on flanking street sides. Duplexes, single attached unit buildings, and multiplexes shall have a minimum of 10 feet on side yards.
6. The minimum rear yard depth shall be 10 feet.
7. The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setbacks abut a street having insufficient right of way widths to serve the area; in such cases, the Planning Commission shall determine the necessary setback requirements.
8. The maximum building height shall be 35 feet, except as required in Section 1.106.040.
9. Buildings and structures shall not occupy more than 50 percent of the lot.
10. No lot shall have more than 1 principal building constructed thereon, except for multi-dwelling structures, in which case there is no such limitation.
11. The minimum landscaping shall be 25 percent of the lot area except for multi-dwelling structures.

E. *Additional Requirements:*

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District,
 - 1.092 Sensitive Lands, and
 - 1.096 Solar Access Requirements.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,

- 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
- 4. Site Development Review, Chapter 1.128.
 - 5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
 - 6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.090 Mobile Home-Residential Zone: MHR.

- A. *Purpose:* The MHR Zone is intended to provide minimum development standards for residential purposes where complete community services are available, and where population concentrations of a moderate nature, including mobile home parks, may develop.
- B. *Uses Permitted Outright:* In the MHR Zone, the following uses and their accessory uses are permitted outright:
 - 1. Home Child Care.
 - 2. Home Occupation, Type I and II (per Chapter 1.154).
 - 3. Mobile Home Parks.
 - 4. Public Parks.
 - 5. Public Facility, Minor

6. Residential Care Facility.
 7. Single Dwelling Unit.
- C. *Conditional Uses:* In the MHR Zone, the following conditional uses may be permitted upon application to the Commission, subject to the provisions of Chapter 1.140.
1. Accessory Dwelling Units.
 2. Bed and Breakfast, Homestay, and Boarding House.
 3. Children's Day Care or Day Nursery.
 4. Community Recreation including Structures.
 5. Duplexes.
 6. Neighborhood Store/Plaza.
 7. Multi-Dwelling Units.
 8. Private Park.
 9. Public Facilities, Major.
 10. Public or Private School or College.
 11. Religious Assembly.
 12. Sanitarium, rest home, nursing home, and convalescent home.
 13. Single Dwelling Unit Attached.
 14. Transitional Care Facility.
 15. Travel Trailer Parks.
- D. *Standards:* In the MHR Zone, the same standards as in the R-5 Zone shall apply except for the following:
1. Standards for mobile home parks shall conform to Chapter 1.102.
- E. *Additional Requirements:*
1. Residential density transition, Section 1.100.040.
 2. Overlay Districts Chapters:

- 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District,
 - 1.092 Sensitive Lands, and
 - 1.096 Solar Access Requirements.
3. Supplemental Provisions Chapters:
- 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
- 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
6. Land Division Chapters:
- 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.095 Mixed Use Zone: MU

- A. *Purpose:* The MU Zone is intended to provide for mixed uses in certain areas, generally between General Commercial and Residential zones. This method allows the market to mostly determine the uses.
- B. *Uses Permitted Outright:* In a MU zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on Site Development Review.

1. Car washes.
2. Cultural and Library Services.
3. Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
4. Eating and drinking establishments.
5. Equipment (small) Sales, Rental and Repairs.
6. Financial institutions.
7. Hardware store, without outdoor storage.
8. Home Child Care.
9. Home Occupation, Type I and II (per Chapter 1.154).
10. Hotels and Motels.
11. Offices—all.
12. Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
13. Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
14. Produce Stands.
15. Public Facility, Minor.
16. Repair and maintenance of permitted retail products.
17. Residential Care Facility.
18. Retail sales establishments, not specifically catering to motorists.
19. Studios.
20. Theaters, except drive-ins.
21. Transitional Care Facility.

C. *Conditional Uses:* In the MU Zone, the following conditional uses may be permitted upon application, subject to provision of Chapter 1.140 and other relevant sections of this code.

1. Auxiliary Dwelling Units.
2. Amusement Services.
3. Animal sales and services, grooming, kennels, and veterinary (small animals).
4. Bar.
5. Bed and Breakfast Facilities, Homestay, and Boarding House.
6. Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
7. Bus and train stations/terminals.
8. Businesses with outdoor storage (those businesses permitted in Section B above).
9. Child Care Facility/Day Nursery.
10. Congregate Care.
11. Drive-up businesses and services.
12. Dwellings on same level as non-residential use.
13. Funeral Homes.
14. Hospitals, nursing homes, and convalescent homes.
15. Hospitals.
16. Laundromats and Dry Cleaners.
17. Lodge, fraternal and civic assembly.
18. Multi-Dwelling Units.
19. Nurseries and Greenhouses.
20. Parking Lots.

21. Parks, public and private.
22. Pawn shops.
23. Public and private schools.
24. Public facilities, major.
25. Public Safety Facilities.
26. Recreation Facilities (Public or Private).
27. Religious Assembly, including cemeteries.
28. Schools.
29. Shopping centers.
30. Travel trailer parks.
31. Vehicle repair, service, and sales.

D. *Standards:* In the MU zone the following standards shall apply:

1. Wherever a proposed structure abuts a residential zone, it may be required to be setback per Chapter 1.108.
2. The maximum building height shall be 45 feet, except as required in Section 1.106.040.
3. Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 1.108.
4. Maximum nonresidential lot coverage including all impervious surfaces shall be 90%.
5. Multi-dwelling units and units above permitted uses must comply with AR standards and other applicable sections of this Code.
6. Single dwelling units, attached or detached, shall comply with R-5 standards.
7. Duplexes shall comply with R-5 standards.

E. *Additional Requirements:*

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.100 Highway Commercial: HC

- A. *Purpose:* The HC Zone is intended to recognize the existing commercial development along Highway 30 and to limit future commercial activity to retail concerns, activities that cater to motorists, and firms that deal in large goods and require unusual amounts of space

- B. *Uses Permitted Outright:* In an HC zone, the following uses are permitted outright subject to the provisions of this code and in particular the chapter on Site Development Review.
1. Boat, trailer and recreational vehicle equipment sales service, and repair.
 2. Building supply firms that conduct business completely within an enclosed building except for outdoor storage.
 3. Bus and train stations/terminals.
 4. Car washes.
 5. Drive-up facilities (see specific requirements in Chapter 1.140).
 6. Eating and drinking establishments, including drive-up and carryout.
 7. Financial institutions, including drive-through (see specific requirements in Chapter 1.140).
 8. Gasoline stations.
 9. Motels and hotels.
 10. Motor vehicle sales, service and repair.
 11. Nurseries and greenhouses.
 12. Offices catering to motorists (e.g. insurance claims).
 13. Parking lot.
 14. Plumbing, HVAC, electrical and paint sales and service.
 15. Produce stands.
 16. Public Facility, Minor.
 17. Retail sales establishments, specifically catering to motorists, including drive-in.
 18. Retail sales of large equipment items and repair and maintenance concerns that conduct business completely within an enclosed building except for outdoor storage.
 19. Shopping Plaza (permitted businesses only).

20. Small equipment rentals, sales and repair.
 21. Theaters, except drive-ins.
 22. Tire shops within an enclosed building.
- C. *Conditional Uses* In the HC Zone, the following conditional uses may be permitted upon application, subject to provision of Chapter 1.140 and other relevant sections of this code.
1. Amusement services.
 2. Animal sales and services, grooming, kennels, and veterinary (small animals).
 3. Dry cleaners and laundromats.
 4. Dwelling units above outright permitted uses.
 5. Funeral homes.
 6. Home occupation in dwelling unit (per Chapter 1.154).
 7. Hospitals.
 8. Parks.
 9. Public facilities, major.
 10. Recreation facilities.
 11. Religious Assembly.
 12. Retail establishments not directly catering to motorists.
 13. Schools.
 14. Shopping centers (can include all retail, personal services, professional services, medical, and dental offices).
 15. Travel trailer parks.
- D. *Standards:* In the HC zone the following standards shall apply:
1. The maximum building height shall be 40 feet.

2. Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 1.108.
3. Parking shall comply with Chapter 1.114.
4. Maximum lot coverage including all impervious surfaces shall be 90 percent.
5. Minimum landscaping shall be 10 percent of gross land area associated with the use.

E. Additional Requirements:

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and

1.176 Expedited Land Divisions.

1.080.110 General Commercial: GC.

- A. *Purpose:* The GC Zone is intended to provide for a broad range of commercial operations and services required for the proper and convenient functioning of commercial activities serving the general public locally and regionally but not specifically the traveling motorists.
- B. *Uses Permitted Outright:* In a GC zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on Site Development Review.
1. Car washes.
 2. Cultural and Library Services.
 3. Dwellings above permitted uses (use AR standards).
 4. Eating and drinking establishments.
 5. Equipment (small) Sales, Rental and Repairs.
 6. Financial institutions.
 7. Hardware store, without outdoor storage.
 8. Historic structures (as listed in the Comprehensive Plan).
 9. Home occupation in dwelling unit (per Chapter 1.154).
 10. Hotels and motels.
 11. Offices—all.
 12. Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
 13. Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
 14. Produce stands.
 15. Public Facility, Minor

16. Repair and maintenance of permitted retail products.
 17. Residential Care Facility.
 18. Retail sales establishments, not specifically catering to motorists.
 19. Studios.
 20. Theaters, except drive-ins.
 21. Transitional Care Facility.
- C. *Conditional Uses:* In the GC Zone, the following conditional uses may be permitted upon application, subject to provision of Chapter 1.140 and other relevant sections of this code.
1. Amusement Services.
 2. Animal sales and services, grooming, kennels, and veterinary (small animals).
 3. Bar.
 4. Bed and Breakfast facilities, Homestay, and Boarding House.
 5. Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
 6. Bus and train stations/terminals.
 7. Businesses with outdoor storage (those businesses permitted in Section B above).
 8. Child Care Facility/Day Nursery.
 9. Congregate Care.
 10. Drive-up businesses and services (including those associated with food/restaurants).
 11. Funeral homes.
 12. Hospitals, nursing homes, and convalescent homes.
 13. Laundromats and dry cleaners.

14. Lodge, fraternal and civic assembly.
15. Multi-Dwelling units.
16. Nurseries and greenhouses.
17. Parking lots.
18. Parks, public and private.
19. Pawn shops.
20. Public and private schools.
21. Public facilities, major.
22. Recreation facilities.
23. Religious Assembly, including cemeteries.
24. Schools.
25. Shopping centers and plazas.
26. Travel trailer parks.
27. Vehicle repair, service, and sales.

D. *Standards:* In the GC zone the following standards shall apply:

1. The maximum building height shall be 45 feet, except as required in Section 1.106.040.
2. Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 1.108.
3. The Maximum lot coverage including all impervious surfaces shall be 90%.
4. Multi-dwelling units must comply with AR standards and other applicable sections of this Code.
5. The minimum landscaping shall be 10 percent of the gross land area associated with the use.

E. *Additional Requirements:*

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
6. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.120 Marine Commercial: MC.

- A. *Purpose:* The MC zone is intended to encourage a wide range of water related activities both commercial and residential.

B. *Uses Permitted Outright:* In the MC zone the following uses are permitted outright subject to the provisions of this code and especially the Site Development Review:

1. Boat houses.
2. Boat launching or moorage facilities and marine boat charter services.
3. Boat or marine equipment sales, service, storage, rental, or repair. (including gas for marine vehicle use).
4. Dwellings located above permitted uses (use AR standards).
5. Eating and drinking establishments including carry-out.
6. Home occupation in dwelling unit (per Chapter 1.154).
7. Hotels and Motels.
8. House boats.
9. Parking lots.
10. Public Facility, Minor.
11. Public parks and public recreational facilities.
12. Retail sale of sporting goods, groceries, and similar commodities required by marine recreationists.
13. Retail sale of handicraft and tourist goods.

C. *Conditional Uses:* In the MC zone the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 1.140 for Conditional Uses:

1. Bed and Breakfasts and Homestay.
2. Commercial amusement and recreational facilities.
3. Multi-dwelling units.
4. Private Parks.
5. Public Facilities, Major.

6. Travel Trailer Parks.

D. *Standards:* In the MC zone the following standards shall apply:

1. The maximum building height shall be determined on a case by case basis (see Chapter 1.106.040).
2. Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 1.108.
3. The maximum lot coverage including all impervious surfaces shall be 90 percent.
4. The minimum landscaping shall be 10 percent of gross land area associated with the use.

E. *Additional Requirements:*

1. Residential density transition, Section 1.100.040.
2. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District,
 - 1.092 Sensitive Lands, and
 - 1.096 Solar Access Requirements.
3. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
4. Site Development Review, Chapter 1.128.
5. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,

1.154 Home Occupations,
1.156 Accessory Structures, and
1.160 Tree Removal.

6. Land Division Chapters:
1.170 Subdivisions,
1.172 Partitioning—Lot Line Adjustment,
1.184 Street and Utility Improvement Standards, and
1.176 Expedited Land Divisions.

1.080.130 Light Industrial: LI.

- A. *Purpose:* The Light Industrial or LI zone is intended to provide appropriate locations for general industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare, and smoke. It is to permit manufacturing, processing, assembling, packaging or treatment of products from previously prepared materials and to discourage residential use and limit commercial use.
- B. *Uses Permitted Outright:* In the LI, Light Industrial zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:
1. Agricultural supplies/sales, machinery sales and repairs but not slaughterhouses or tanneries.
 2. Auction sales, services and repairs.
 3. Boat repairs.
 4. Building maintenance services.
 5. Building material sales including outdoor storage.
 6. Commercial gasoline stations.
 7. Equipment (light and heavy) sales, storage, repair and rentals.
 8. Laboratories and research services.
 9. Manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities of previously prepared materials and *without off-site impacts*.

10. Mini-storage and storage site.
 11. Motor vehicle sales, service, repair, and painting.
 12. Nurseries, greenhouse operations and sales.
 13. Parking lots, private or public.
 14. Public Facility, Minor.
 15. Transmitting and/or receiving towers with or without broadcast facilities.
 16. Utility distribution plants and service yards.
 17. Vehicle wash operations.
 18. Warehousing, enclosed.
 19. Wholesale Trade.
- C. *Conditional Uses* - In the LI zone, in addition to the buildings and uses permitted outright, a Conditional Use permit can be granted for the following buildings and uses:
1. Animal hospitals and dog kennels/pounds.
 2. Bar.
 3. Child care facilities.
 4. Concrete mixing (concrete batching plant).
 5. Drive in theater.
 6. Dwelling for caretaker or superintendent which is located on the same site with the permitted industrial use and is occupied exclusively by a caretaker or superintendent of the industrial use and family (same applies to a kennel).
 7. Eating and Drinking establishments.
 8. Entertainment, Adult.
 9. Industrial park to combine light manufacturing, office and complementary related commercial uses to include such activities as postal services, veterinary services, communication services, construction sales, business

support services, financial services, insurance services, real estate services, laundry services, medical/dental services, sports and health services, professional and administrative offices, convenience sales, personal services, eating and drinking establishments and such.

10. Manufacturing, repairing, compounding, research, assembly, fabricating processing or packing of resource materials *with some offsite impacts*.
 11. Public and private recreational and amusement facilities.
 12. Public Facilities, Major.
 13. Public Parks.
 14. Public Safety and support facilities.
 15. Temporary Asphalt batching (6 month max).
 16. Travel trailer parks.
 17. Wrecking and junk yards.
- D. *Standards:* The standards for the LI zone shall be determined by the proximity to residential zones and the anticipated off -site impacts. Further standards shall be in accordance with the following:
1. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.
 2. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
 3. Site Development Review, Chapter 1.128.

4. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.
5. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.
6. The maximum height within 100 feet of any residential zone shall be 35 feet.

1.080.140 Heavy Industrial: HI.

- A. *Purpose:* The Heavy Industrial or HI zone is intended to provide appropriate locations for intensive manufacturing activities including fabrication, processing, or assembling of semifinished or finished products from raw materials, outdoor storage areas, and the storage of heavy equipment. It is also intended to provide locations for activities that need to be separated from more easily impacted activities such as schools, churches, etc.
- B. *Uses Permitted Outright:* In the HI, Heavy Industrial zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:
 1. Agricultural supplies/sales, machinery sales and repairs including slaughterhouses or tanneries (carried out in an enclosed building).
 2. All manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities without off-site impacts.
 3. Auction sales, services and repairs.
 4. Building maintenance services.
 5. Building material sales including outdoor storage.
 6. Commercial gasoline stations.

7. Equipment, Heavy—sales and service.
 8. Motor vehicle sales, service, repair, and painting.
 9. Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.
 10. Nursery/greenhouse operation and sales.
 11. Public Facility, Minor.
 12. Transmitting and/or receiving towers with or without broadcasting facilities.
 13. Trucking yards/terminals, including warehousing.
 14. Utility distribution plants and service yards.
 15. Wholesaling, warehousing and storing of automobiles, trucks, buses, consumers goods, contractors equipment, building materials, food products, liquid fuel, household goods, ice, lumber (except log storage or ponding), and such.
- C. *Conditional Uses:* In the HI zone, in addition to the buildings and uses permitted outright, a Conditional Use permit can be granted for the following buildings and uses:
1. Caretaker.
 2. Entertainment, Adult.
 3. Hazardous waste collection and/or treatment site.
 4. Manufacture, repair, etc., with some offsite impact.
 5. Onsite retailing of product manufactured, processed, etc., onsite.
 6. Permitted uses which require special permits from the Oregon Department of Environmental Quality.
 7. Public Parks.
 8. Public Facilities, Major.
 9. Public safety and support facilities.

10. Recycling collection center.
 11. Solid waste disposal site or transfer station.
 12. Special hazardous uses such as:
 - a. 2,000 gallons or more of flammable (Class I or II) materials.
 - b. 50 gallons or more of unstable liquids, fireworks, blasting agents or explosives.
 - c. Magazines, Class II (Class I magazines are not permitted).
 - d. 500 pounds or more or 200 gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials.
 - e. Unstable (reactive) chemicals, including organic peroxides and nitromethane.
 - f. 50 pounds or more of ammonium nitrate.
 - g. 2,000 or more gallons of liquefied petroleum gases.
 13. Storage facilities such as personal lockers/garages and for recreational type vehicles.
 14. Temporary Asphalt Batching (6 months maximum).
 15. Travel trailer parks.
 16. Wrecking and junk yards.
- D. *Standards* - The standards for the HI zone shall be determined by the proximity to residential zones and the anticipated off -site impacts.
1. No off-site impacts are permitted which exceed the standards of this ordinance on lands permitting dwellings.
 2. The City noise ordinance and adopted DEQ regulations for locations near noise sensitive uses such as dwellings, churches, schools and hospitals shall be the noise standard for off-site impacts.
 3. Vibrations that are continuous, frequent or repetitive and discernible to a person of normal sensibilities on nonindustrial zoned lands are prohibited except as

listed below (continuous, frequent or repetitive vibrations shall not exceed 0.002g peak on non industrial lands):

- a. Vibrations from temporary construction and vehicles which leave the site, such as trucks, trains, and helicopters, are excluded. Vibrations from primarily on site vehicles and equipment are included.
 - b. Vibrations of no more than 5 minutes in any 1 day shall not be deemed continuous, frequent or repetitive for this regulation.
4. Glare shall not directly or indirectly from reflection cause illumination in excess of 0.5 foot candles on nonindustrial zoned lands. Glare is illumination caused by incandescent, fluorescent or arc lighting or from high temperature processes such as welding or metallurgical refining.
 5. No off-site impacts from odor, dust, smoke, gas or chemical contaminants shall exceed the applicable local, state or federal standards.

E. *Additional Requirements:*

1. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.
2. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.
3. Site Development Review, Chapter 1.128.
4. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and

1.160 Tree Removal.

5. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.
6. The maximum height within 100 feet of any residential zone shall be 35 feet.

1.080.150 Public Lands: PL.

- A. *Purpose:* The purpose of the Public Lands zone is to delineate lands that are owned by public or semi public entities and that are used, or have the potential to be used for public or semi public purposes such as schools, parks, and play grounds.
- B. *Uses Permitted Outright:* In the PL, Public Lands zone the following uses are allowed outright after compliance with Site Development Review section and other relevant sections of this code:
 1. Cultural Exhibits.
 2. Library Services.
 3. Public Facility, Minor.
 4. Public or private park.
 5. Public or private playground.
 6. Public or private school and/or college.
- C. *Conditional Uses:* In the PL, Public Lands zone the following uses are permitted if approved under the Conditional Use section and other applicable provisions of this code:
 1. Public Facilities, Major.
 2. Public support and safety facilities.
- D. *Standards:* See Additional Requirements.
- E. *Additional Requirements:*

1. Overlay Districts Chapters:
 - 1.180 Planned Development,
 - 1.090 Historic Sites and Overlay District, and
 - 1.092 Sensitive Lands.

2. Supplemental Provisions Chapters:
 - 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation, and
 - 1.122 Signs.

3. Site Development Review, Chapter 1.128.

4. Development and Administration, Chapters:
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,
 - 1.144 Variance,
 - 1.152 Temporary Uses,
 - 1.154 Home Occupations,
 - 1.156 Accessory Structures, and
 - 1.160 Tree Removal.

5. Land Division Chapters:
 - 1.170 Subdivisions,
 - 1.172 Partitioning—Lot Line Adjustment,
 - 1.184 Street and Utility Improvement Standards, and
 - 1.176 Expedited Land Divisions.

1.080.160 Willamette Greenway: WG.

- A. *Purpose:* The purpose of the WG zone is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic, and recreational quality of lands along the Willamette River. The WG zone is a superimposed zone to be used in combination with the existing underlying zone. Within the jurisdiction of St. Helens, those lands in the Willamette zone are within an urban area zoned Heavy Industrial because of existing and historical uses.

B. *Procedure:* All activities within the WG zone are subject to review by the Director. The Director shall notify the Department of Transportation of any development, intensification, or proposed change of use, and of any action taken on those proposals. If the Director determines that the proposed activities conflict with the Purpose and Uses Allowed in this section, the permit shall be denied, or approved with conditions. The applicant may appeal the Director's decision to the Planning Commission which shall review the proposal in accordance with established conditional use procedures; in its deliberations, the Planning Commission shall consider the Purpose of this section, as well as the criteria for granting conditional uses.

C. *Uses Allowed:* Within the WG zone, development shall be directed away from the Willamette River to the greatest practicable degree; provided, however, lands committed to urban uses shall be permitted to continue and intensification or development associated with existing or historical urban uses shall be allowed subject to the approval of the Director.

Urban uses shall include industrial and commercial activities. Industrial and commercial uses shall include facilities relating to the production, storage and transportation of timber and paper products.

In evaluating a proposal, the Director shall take into consideration the proposed activity's impact on fish and wildlife, public access, safety, and the vegetative fringe. The Director may impose a setback in the WG zone if he/she believes these aspects have not been reasonably taken into account. Non-water dependent and non-water related uses shall be set back 150 feet from the river bank.

In areas in which there are industrial and commercial activities, public access shall be discouraged when there is a potential for physical harm to members of the public.

D. *Standards:* Within the WG zone, the implementation of the allowed activity shall provide maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the Willamette River.

E. *Definitions:*

1. Change of Use: A different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit had been issued as of December 6, 1975, and under which permit substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered

to be a change of use. An existing open storage area shall be considered to be the same building.

Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use.

2. Intensification: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 6, 1975, and under which permit substantial construction has been undertaken by July 1, 1976. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification. Seasonal increases in gravel operations shall not be considered an intensification of use.
3. Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
4. Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if to locate adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Chapter 1.090 HISTORIC SITES AND OVERLAY DISTRICT.

Sections:

- 1.090.010 Purpose.**
- 1.090.015 Applicability of Provisions and Initiation.**
- 1.090.020 Administration and Approval Process: Application for District: Demolition of Structure.**
- 1.090.030 Criteria for Historic Overlay District Designation.**
- 1.090.035 Criteria for Removal of Historic Sites or Overlay District Designation.**
- 1.090.040 Criteria for Exterior Alteration and New Construction Criteria.**
- 1.090.050 Criteria for Demolition.**
- 1.090.060 Application Submission Requirements.**
- 1.090.070 The Site Plan.**
- 1.090.080 Architectural Drawings.**
- 1.090.090 Landscape Plan.**
- 1.090.100 Sign Drawings.**
- 1.090.110 Additional Information Required and Waiver of Requirements.**

1.090.010 Purpose.

- A. The purpose of this chapter is to implement the comprehensive plan.
 - 1. Implementation may be accomplished as follows:
 - a. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
 - b. Safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements and districts;
 - c. Complement any registered historic or cultural areas designated in the City;
 - d. Stabilize and improve property values in such districts;
 - e. Foster civic pride in the beauty and noble accomplishments of the past;
 - f. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

- g. Strengthen the economy of the City; and
- h. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City.

1.090.015 Applicability of Provisions and Initiation.

- A. Historic Sites and Overlay District shall apply to the following:
 - 1. Historic sites and areas (listed in the Comprehensive Plan);
 - 2. Cultural sites and areas (listed in the Comprehensive Plan); and
 - 3. Landmarks (listed in the Comprehensive Plan).
- B. The provisions of this chapter apply to:
 - 1. The demolition of structures within an historic overlay zone area; and
 - 2. The exterior alteration or new construction within the historic overlay zone area.

1.090.020 Administration and Approval Process: Application for District: Demolition of Structure.

- A. The application for an historic site or overlay district designation shall be as provided by Section 1.070.020; however, application for a demolition permit, or for new construction, or for alteration to an existing structure shall be submitted by the record owner of the property or an agent authorized in writing by the owner.
- B. A preapplication conference with City staff is required. (See Section 1.070.040.)
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid not more than 6 months:
 - 1. Another preapplication conference is required if any application is submitted more than 6 months after the preapplication conference; and
 - 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications.

- D. The Historic Sites and Districts Committee shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. The Historic Sites and Districts Committee shall apply the standards herein set forth in this Chapter.
 - 1. The Historic Sites and Districts Committee shall consist of 1 City Councilor, 1 Commission member and 1 planning staff member, and be appointed by City Council each time service is required; and
 - 2. Decisions of the Historic Sites and Districts Committee shall be made in a public meeting, notice of which has been posted at least 5 days prior to the meeting.
- E. The decision of the Historic Sites and Districts Committee may be reviewed by the City Council in accordance with Section 1.070.310 B.
- F. The Director shall mail notice of any application to the persons who have a right to receive notice of a hearing before the Historic Sites and Districts Committee in accordance with Section 1.070.130.

1.090.030 Criteria for Historic Overlay District Designation.

- A. Recommendation for approval of an historic site or overlay district designation shall be made when the Historic Sites and Districts Committee finds that any of the following criteria have been met:
 - 1. The proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 1.090.010, Purpose;
 - 2. The site or area proposed for the designation reflects the broad cultural or natural history of the community, state, or nation;
 - 3. The site or area is identified with historic personages, or with important events in national, state, or local history;
 - 4. The site or area proposed for the designation embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction; or
 - 5. The proposed site or area is a notable work of a master builder, designer, or architect.
- B. The age of a specific building is not sufficient in itself to warrant designation as historic.

1.090.035 Criteria for Removal of Historic Site or Overlay District Designation.

- A. Removal of an historic site or overlay district designation shall be made when the City Council finds that any of the following criteria have been met:
1. The original historic site or overlay district designation was placed on the site in error;
 2. The resource designated with the historic site or overlay district designation has ceased to exist;
 3. The resource designated with the historic site or overlay district designation is no longer of significance to the public; or
 4. The historic site or overlay district designation is causing the property owner to bear an unfair economic burden to maintain the property as an historic or cultural resource.

1.090.040 Criteria for Exterior Alteration and New Construction Criteria.

- A. Except as provided herein, no person shall alter any structure with a historic site designation or any structure located in an historic overlay district in a manner as to affect its exterior appearance, including signs on the structure, nor may any new structure be constructed in an historic district unless approved by the Historic Sites and Districts Committee.
- B. Exterior remodeling, as governed by this chapter, shall include any change or alteration in design or other exterior treatment excluding painting.
- C. For exterior alterations of structures designated as historic sites or which are located in an historic overlay district, the criteria to be used by the Historic Sites and Districts Committee in reaching the decision shall include the following:
1. The purpose of the historic overlay district as set forth in Section 1.090.010;
 2. The provisions of the St. Helens comprehensive plan;
 3. The economic use of the structure as a historic site or located in a historic overlay district and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
 4. The value and significance of the structure or landmark as a historic site or located in an historic overlay district;

5. The physical condition of the structure or landmark as a historic site or located in an historic overlay district;
 6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure in an historic overlay district;
 7. Pertinent aesthetic factors as designated by the Planning Commission and
 8. Economic, social, environmental, and energy consequences related to Statewide Land Use Planning Goal No. 5.
- D. If alteration of the historic resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the Columbia County Museum shall obtain:
1. A pictorial and graphic history of the resource; and
 2. Artifacts from the resource it deems worthy of preservation.
- E. For construction of new structures in an historic overlay district, the criteria to be used by the Historic Sites and Districts Committee in reaching the decision shall include the following:
1. The purpose of the historic overlay district as set forth in Chapter 1.090;
 2. The provisions of the St. Helens comprehensive plan;
 3. The economic effect of the new structure on the historic value of the district;
 4. The visual effect of the proposed new structure on the architectural character of the district;
 5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used in the construction of the new building or structure; and
 6. Economic, social, environmental, and energy consequences related to Statewide Land Use Planning Goal No. 5.
- F. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any architectural features which do not involve a change in design, material or the outward appearance of such feature which the Building Official shall certify is required for the public safety because of its unsafe or dangerous condition.

1.090.050 Criteria for Demolition.

- A. No person shall demolish a structure designated as a site or located within an historic overlay district unless it is approved under the provisions of this chapter.
- B. In determining the decision regarding a requested demolition permit, the Historic Sites and Districts Committee shall consider the following criteria:
 - 1. The St. Helens comprehensive plan;
 - 2. The purpose of this chapter as set forth in Section 1.090.010;
 - 3. The criteria used in the original designation of the site or of the district in which the property under consideration is situated;
 - 4. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights of way, and to other buildings and structures in the area;
 - 5. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;
 - 6. Whether denial of the permit will subject the City to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code; and
 - 7. The economic, social, environmental and energy consequences related to Statewide Land Use Planning Goal No. 5.
- C. If demolition of the historic resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the Columbia County Museum shall obtain:
 - 1. A pictorial and graphic history of the resource; and
 - 2. Artifacts from the resource it deems worthy of preservation.

1.090.060 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 - 1. 5 copies of the historic overlay district, exterior alteration, new construction or demolition site plan(s) and necessary data or narrative which explains how the proposal conforms to the standards:
 - a. Sheet size for the proposed site plan and required drawings shall preferably not exceed 18 inches by 24 inches; and
 - b. The scale of the site plan shall be an engineering scale; and
 - c. All drawings of structure elevations shall be a standard architectural scale, being ¼ inch or 1/8 inch; and
 - 2. The required fee.
- B. The required information may be combined and does not have to be placed on separate maps.

1.090.070 The Site Plan.

- A. The proposed historic site or overlay district plans shall include the following information:
 - 1. The proposed site and surrounding properties;
 - 2. The location, dimensions, and names of all existing streets;
 - 3. The location and dimension of:
 - a. Entrances and exits on the site;
 - b. Parking and circulation areas;
 - c. Loading and services areas;
 - d. Pedestrian and bicycle circulation;
 - e. Outdoor common areas;
 - f. Above ground utilities; and

- g. Existing landscaping;
- 4. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements, and utilities which are located within 25 feet of the sites and are on adjoining property; and
 - b. Proposed structures, improvements, landscaping and utilities on the site.

1.090.080 Architectural Drawings.

- A. The historic site or overlay district plan proposal shall include:
 - 1. Floor plans indicating the square footage of all structures existing and proposed for use on-site; and
 - 2. Elevation drawings of each proposed structure and elevation drawings or photographs of each existing structure.

1.090.090 Landscape Plan.

- A. The landscape plan shall be drawn at the same scale as the site plan or a larger scale if necessary and shall indicate:
 - 1. Location and height of fences, buffers, and screenings;
 - 2. Location of terraces, decks, shelters, and common open spaces; and
 - 3. Location, type, size and species of existing and proposed plant materials.

1.090.100 Sign Drawings.

Sign drawings shall be submitted in accordance with Chapter 1.122.

1.090.110 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.

- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B and C.

ATTACHMENT A

Chapter 1.091 Protective Measures for Significant Wetlands, Riparian Corridors, and Protection Zones.

SECTIONS:

- 1.091.005 Purpose.
- 1.091.010 Definitions.
- 1.091.015 Establishment of Significant Wetland, Riparian Corridor, and Protection Zone.
- 1.091.020 Applicability of Chapter; Site-Specific Determination of Boundaries.
- 1.091.025 Prohibitions within Significant Wetland, Significant Riparian Corridor and Protection Zone.
- 1.091.030 Sworn Statement, Verification of Federal, State and Local Permit Compliance.
- 1.091.035 Exempt Activities and Uses. (No permit required)
- 1.091.040 Protection Zone Exceptions.
- 1.091.045 Resource Area Exceptions.
- 1.091.050 Additional Requirements for Land Divisions and New Development
- 1.091.055 General Criteria for All Exceptions and Other Approvals.
- 1.091.060 Administration and Approval Process.
- 1.091.065 Application Requirements.
- 1.091.070 Additional Information Required and Waiver of Requirements.
- 1.091.075 Claims Requirements

Editor's Note: The effective date for this Chapter is December 1, 2003.

1.091.005 Purpose.

The purpose of this Chapter is to implement Statewide Planning Goal 5 and Oregon Administrative Rules requiring the establishment of regulatory protective measures for Significant Wetland Areas and Significant Riparian Corridors. This Ordinance establishes prohibitions and permit requirements for the Significant Wetlands and Riparian Corridors and their associated protection zones.

The standards and requirements of this chapter shall apply in addition to other regulations of the development code applicable to the underlying zoning classification of lands within Significant Wetlands, Riparian Corridors, and Protection Zones. In case of any conflict between these regulations and any other regulation(s) of the city, the regulation(s) which provide more protection shall apply.

1.091.010 Definitions. The following definitions supplement definitions in Chapter

1.040. In the event of conflict the definitions in this Chapter shall control.

“Alter” or “Alteration” means any human-induced physical change to the existing condition of land or improvements thereon including but not limited to clearing, grubbing, draining, removal of vegetation, (chemical or otherwise), excavation, grading, placement of fill material, placement of structures or impervious surfaces or other construction. “Permit to be Altered” means allowing or failing to prevent the alteration. [Replaces definition in 1.040 for purposes of this Chapter]

“City” means the City of St. Helens.

“Clearing” means the removal, redistribution or disturbance to vegetation, soil or substrate that may include trees, brush, grass, groundcover, or other vegetative matter from a site.

“Enhancement” means the actions performed to improve the condition or functions and values of a wetland area riparian corridor or fish and wildlife habitat area, or their associated protection zone. Enhancement actions include but are not limited to increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, and removing invasive plant species.

“Environmental Assessment” means at a minimum that the property owner contract with a registered engineer and/or wetlands biologist as appropriate to determine the precise location of the top-of-bank, steep slopes, wetland, riparian corridor and protection zone or on a property. A licensed surveyor must then conduct a boundary survey that shows the locations of the tops-of-bank, steep slopes, wetlands, riparian corridors, and the Protection zone setback locations on the subject property. Minimum requirements for Environmental Assessments are set forth in 1.091.065. The EA and supporting field investigation shall be performed by a qualified biologist or other environmental professional with experience in performing wetland/riparian corridor identification, delineation and evaluation.

“Filling” means the act of placing fill material in any amount, including the temporary stockpiling of fill material.

“Fill Material” means a deposit of earth or other natural or man made material placed by artificial means.

“Legally created lot or parcel of record” for purposes of this Chapter includes a lot or parcel that was legally created and recorded prior to the adoption of land division ordinances or a lot or parcel shown on a final plat approved and recorded prior to the effective date of this Chapter. A “legally created lot or parcel of record” also includes a lot or parcel recorded after the effective date of this Chapter, but only if the lot or parcel was approved on a preliminary plat approved prior to the effective date of this Chapter and the final plat recordation is in compliance with the original approved timetable of development.

“Mitigation” means actions designed to replace project-induced sensitive area losses or impacts; including, but not limited to, restoration, creation or enhancement.

“Mitigation Plan” means a plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

“Non-Native Species” means a plant species which is not indigenous to the local area.

“Noxious, invasive and/or non-native vegetation” means Poison Oak, Tree-of-heaven, Garlic Mustard, Lesser Celandine, Canada Thistle, Common Thistle, Western Clematis, Traveler’s Joy, Field Morning-glory, Lady’s-nightcap, Pampas grass, Hawthorn, except native species, Scot’s Broom, Queen Anne’s Lace, South American Waterweed, South American Waterweed, Common Horsetail, Giant Horsetail, Crane’s Bill, Robert Geranium, English Ivy, St. John’s Wort, English Holly, Yellow Flag, Duckweed, Water Lentil, Fall Dandelion, Purple Loosestrife, Eurasian Watermilfoil, Reed Canarygrass, Annual Bluegrass, Water Smartweed, Climbing Bindweed, Giant Knotweed, English, Portugese Laurel, Himalayan Blackberry, Evergreen Blackberry, Tansy Ragwort, Blue Bindweed, Hairy Nightshade, Common Dandelion, Common Bladderwort, Periwinkle (large leaf), Periwinkle (small leaf), Spiny Cocklebur, Bamboo, and Blackberry.

“Power Assisted Equipment or Machinery”

- a. “Non-power Assisted Equipment means equipment or machinery operated by hand or operated by electricity or battery power.
- b. Power Assisted Equipment means equipment or machinery other than Non-Power Assisted Equipment.

“Protection Zone” means the Wetland/Riparian Protection Zone of varying width, located adjacent to all significant wetlands and all significant riparian corridors and established in Section 1.091.015.C. of this Chapter.

“Resource” or “Resources” means Significant Wetlands and/or Significant Riparian Corridors as distinguished from Protection Zone, which extends upland from the resource area.

“Restoration” means efforts performed to re-establish the functional values and characteristics of a critical area that have been destroyed or degraded by past alterations (e.g., filling, grading or draining).

“Riparian Area” or “Significant Riparian Area” is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. These areas are part of Significant Riparian Corridors identified in the PHS Riparian Area Report to the City, designated in the Comprehensive Plan, Ordinance 2824 and Section 1.091.015.B below.

“Significant Riparian Corridor” or “Riparian Corridor” is a Goal 5 resource identified in the PHS Riparian Area Report to the City, designated in the Comprehensive Plan, Ordinance 2824 and Section 1.091.015.B below. A Riparian Corridor includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

“Significant Wetland” means a wetland that has been identified by the City as a significant Goal 5 resource in Ordinance 2807, the Comprehensive Plan and in Section 1.091.015.A below.

“Site” means any legal parcel, lot, or right of way, or combination of contiguous lots or parcels or lots under the applicant’s ownership.

“Top of Bank” means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bank full stage.

“Utility Line” means pipe, conduit, cable or other similar instrument by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to water supply, electric power, natural gas, communications and sanitary sewer.

“Water-Dependent” means a use which can be carried out only on, in, or adjacent to a body of water because it requires access to the water body for waterborne transportation or recreation. Water-dependent also includes development, which by its nature, can be built only on, in, or over a water body. Bridges supported by piers or pillars, as opposed to fill, are water-dependent development.

“Water-Related” means a use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with water-dependent lands or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not considered dependent or related to water. Recreational trails and viewpoints adjacent to the water body river are water-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are water-related development.

“Wetland Functions” are wildlife habitat, fish habitat, water quality, and hydrological control.

1.091.015 Establishment of Significant Wetlands, Riparian Corridors and Protection Zones.

A. WETLANDS. Ordinance 2807 adopted in November 1999 established and listed

Significant Wetland Areas within the City of St. Helens. Such areas were added to the Comprehensive Plan.

1. The following significant wetlands are hereby established as Type I:

D-6	J-3	MC-1
D-10	M-7	MC-9
D-11	M-8	MC-25
D-16	M-10	UA-2
D-17	M-11	UB-5A
D-18	M-12	UB-5B

2. The following significant wetlands are hereby established as Type II:

D-1	D-20	M-5	MC-16
D-2	D-21	M-15	MC-17
D-3	D-22	MC-2	MC-20
D-4	F-2	MC-3	MC-21
D-7	F-4	MC-5	MC-22
D-8	J-6	MC-8	MC-26
D-19	M-3	MC-10	UB-6

B. RIPARIAN CORRIDORS. Ordinance 2824 adopted in August 2000 established Significant Riparian Corridors within the City of St. Helens. Such areas were added to the Comprehensive Plan.

1. Significant Riparian Corridors are established in waterways within the City Limits of the City of St. Helens as follows: Scappoose Bay, Multnomah Channel, Columbia River, Milton Creek, McNulty Creek, and North Fork of McNulty Creek.

2. The following additional reaches or portions of streams together with their associated riparian areas are also listed as Significant Riparian Corridors:

R-MC-5b	R-MC-13R	R-MI-22
R-MC-7R	R-MC-13L	R-MI-23R
R-MC-7L	R-MC-15	R-MI-23L
R-MC-8L	R-MC-16a	R-MI-24
R-MC-10	R-MC-16b	R-MI-26a
R-MC-12	R-MI-21	R-D-34

3. The Significant Riparian Corridors, including those with associated riparian areas are more specifically defined in Ordinance 2824. Ordinance 2824 defines these Corridors as those waterways identified as fish habitat by Oregon Department of Fish and Wildlife and also those associated riparian areas identified by Pacific Habitat Services Inc., report dated

February 4, 2000 and amended March 24, 2000 as having two or more assessed functions that have been rated as High.

C. PROTECTION ZONE. There is hereby established a Wetland/Riparian Protection Zone (hereinafter "Protection Zone" or "PZ") adjacent to all significant wetlands and all significant riparian corridors to protect their integrity, function and value. The protection zone shall be measured from the wetland edge, the riparian corridor edge, or the top of the bank of the waterway when no riparian area is included in the corridor. The width of the protection zone shall vary according to the type of wetland/riparian corridor as listed below:

1. The required Protection Zone for Type I wetland shall extend seventy-five (75) feet upland from the delineated wetland edge.
2. The required Protection Zone for Type II wetland shall extend fifty (50) feet upland from the delineated wetland edge.
3. The required Protection Zone for Riparian Corridor streams with an annual average stream flow greater than 1,000 cubic feet per second shall extend 75 feet upland from the top of bank. This provision concerns all portions of Scappoose Bay, Multnomah Channel, and the Columbia River.
4. The required Protection Zone for Riparian Corridor streams with an average annual stream flow less than 1,000 cubic feet per second shall extend 50 feet upland from the top of bank or from the upland edge of the significant riparian area, whichever is greater. This provision concerns portions of Milton Creek, McNulty Creek and the North Fork of McNulty Creek as well as the following sections of streams and their associated riparian areas:

R-MC-5b	R-MC-13R	R-MI-22
R-MC-7R	R-MC-13L	R-MI-23R
R-MC-7L	R-MC-15	R-MI-23L
R-MC-8L	R-MC-16a	R-MI-24
R-MC-10	R-MC-16b	R-MI-26a
R-MC-12	R-MI-21	R-D-34

1.091.020 Applicability of Chapter; Site-Specific Determination of Significant Wetland, Significant Riparian Corridor and Protection Zone Boundaries.

A. All those contemplating land purchase for development are urged to obtain environmental professional field delineations of wetlands and riparian corridors

prior to decisions on land use and project design. The burden is on the property owner to demonstrate that the requirements of this Chapter are met or are not applicable to development activity or other proposed use or alteration on the owner's land. Accordingly, as part of any application involving land clearing, alteration or use on a site within 200 feet of a resource, an Environmental Assessment, prepared and certified by a qualified environmental professional showing the boundaries of the Significant Wetland, Significant Riparian Corridor and protection zones on the property is required. The EA shall be prepared at the applicant's sole expense. Assistance from state and federal agencies is encouraged. Alternatively, the property owner may submit a sworn statement from a qualified environmental professional that no significant wetlands, significant riparian corridors or protection zones exist on the site. Environmental Assessments must comply with minimum requirements in Section 1.091.065.

- B. Notwithstanding paragraph A above, when the request is for verification of an Exemption or for single family lot of record development, the Director may waive the requirement for a professionally prepared Environmental Assessment or statement, provided the Director finds that the St. Helens Zone Map, resource map, combined with scaled maps provided by the applicant, or any other materials supplied by the applicant and used by the Director, and a field check by the Director, is sufficient to determine the location of the resource and protection zone boundaries or lack thereof on a particular site or portion thereof.
- C. The Director shall incorporate findings of compliance or noncompliance with this Chapter into decisions concerning development applications. Unless otherwise specified in this Chapter, a decision concerning compliance with this Chapter shall be made a part of the requested development application, and not a separate land use decision. If no development application is submitted, then a decision on an exception shall be a Director's decision and not as a separate land use decision. Decision under this Chapter which would not otherwise be a land use decision shall be made a Director's decision in accordance with the procedures in 1.070:090.
- D. Precise Wetland and Riparian Corridor boundaries may vary from that shown in the Comprehensive Plan Exhibit if an EA is performed and accepted by the City, applicable State Agencies and verified with on-site inspection. The more precise boundaries can be mapped, staked, and used for review and development without a change in the Comprehensive Plan Wetlands Map exhibit.

1.091.025 Prohibitions within Significant Wetlands, Significant Riparian Corridor and Protection Zones.

- A. All Significant Wetlands, Significant Riparian Corridors and Protection Zones shall be protected from alteration or development activities, except as specifically provided herein.

- B. Except as set forth in the Exemption, Exception, or other approval authorized in this Ordinance, no person or entity shall alter or allow, or permit or cause to be altered any real property designated as a Significant Wetland, Significant Riparian Corridor, or a Wetland/Riparian Protection Zone.
- C. Except as set forth in the Exemption, Exception, or other approval authorized in this Ordinance, no person or entity shall use or allow, or permit or cause to be used property designated as a Significant Wetland, Significant Riparian Corridor, or Wetland/Riparian Protection Zone.

1.091.030 Sworn Statement, Verification of Federal, State and Local Permit Compliance.

Sworn Statement, Verification of Federal, State, and Local Permit Compliance.

Prior to any land clearing, alteration, or physical construction (other than survey work or environmental testing) on a site the property owner and developer, if any, shall execute a sworn statement under penalty of perjury and false swearing, that owner/developer has obtained all required Federal, State, and local authorizations, permits and approvals for the proposed development, including any proposed use, or alteration of the site, including also any off-site improvements. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses, insurance, and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to use the property in the manner contemplated, including all authorizations necessary to perform land clearing, construction and improvement of property in the location and manner contemplated. This provision includes, specifically, a permit or statement from the National Marine Fisheries Service and/or Fish and Wildlife Service that owner's proposed use and/or development will not take or harm any endangered or threatened species as that term is defined in applicable Federal Statutes and Administrative Rules. The City of St. Helens has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying owner/developer's compliance with the applicable state and federal agency permit or approval requirements. Any permit or authorization granted by the City, including any exemption, exception, permit, approval or variance pursuant to the Community Development Code shall not in any way be interpreted as a waiver, modification, or grant of any state or federal agency permits or authorizations or permission to violate any state or federal law or regulation. Owner/Developer shall be held strictly liable, and shall hold the City of St. Helens harmless for administrative, civil and criminal penalties for any violation of Federal and State statutes, including but not limited to the Clean Water Act, Endangered Species Act and regulations implementing such laws. Nothing herein shall be interpreted as restricting or limiting the City from bringing an enforcement action under CDC Chapter 1.030.

1.091.035 Exempt Activities and Uses within a Significant Wetland,

Riparian Corridor and Protection Zone.

- A. The following activities do not require a permit or authorization from the City to be conducted or to continue in a Significant Wetland, Riparian Corridor or Protection Zone.
1. Public and private conservation areas for water, soil, open space, forest, and wildlife resources.
 2. Non- impact, non-alteration, non-development, recreational uses such as but not limited to sport fishing, bird watching, scientific or educational study.
 3. Noxious Vegetation Control.
 - a. Alteration or removal of noxious, invasive and/or non-native vegetation with electric or hand-held (non-power assisted) equipment.
 - b. Alteration or removal of noxious, invasive and/or non-native vegetation by state-licensed governmental, utility and transportation carrier personnel when performed with power or non-power assisted equipment or chemical control, provided any chemicals used are authorized and approved for such use by the Oregon Department of Agriculture or DEQ, and provided the alteration or removal is performed only in existing rights-of-way or on other public property and is limited to areas previously altered by such means.
 4. Planting of native vegetation with non-power assisted equipment.
 5. Minimal site investigative work required by a city, state, or federal agency, such as surveys, soil logs, percolation tests, and other similar tests.
 6. Emergency activities. Emergency repair or other remedial actions performed by governmental or public utility workers or authorized contractors or volunteers which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to:
 - a. Prevent an imminent threat to public health or safety; or
 - b. Prevent imminent danger to public or private property; or
 - c. Prevent an imminent threat of serious environmental degradation.

7. Hazard Prevention-Tree Removal or Flood Prevention. Emergency remedial action to remove a tree or portion thereof or sandbagging for flood prevention by a property owner which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter when it is necessary to:
 - a. Prevent an imminent threat to public health or safety; or
 - b. Prevent imminent danger to public or private property; or
 - c. Prevent an imminent threat of serious environmental degradation.

8. Legally Established Nonconformities.
 - a. A use or structure legally established prior to the adoption of this chapter, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use or structure and may continue subject to the limitations of the nonconformities article. (Chapter 1.142.) The following nonexclusive list represents uses or structures that may continue subject to the nonconformities article:
 - (1) Maintenance and use of existing buildings and structures, including accessory structures, and maintenance and operation of equipment operating areas.
 - (2) Maintenance and operation of dikes, levees, ditches, drains or other facilities which were created, developed or utilized primarily as part of a drainage or diking system.
 - (3) Maintenance of existing, intentionally created wetlands or surface water systems, including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, and landscape or ornamental amenities. Wetlands, streams, lakes, or ponds created as mitigation for violations or as consideration for approved land use activities shall be maintained in accordance with agency approved management plans, a copy of which shall be filed with the City Recorder.
 - (4) Maintenance and operation of existing public and private roads, streets, driveways, and utility lines, including the replacement of such improvements when located in City right-of-way or public easement.

- (5) Maintenance (e.g. mowing) of ground cover vegetation.
 - b. Notwithstanding exempt status, a property owner may apply for a written determination of nonconforming use status pursuant to Chapter 1.142. This Director's decision that the use was legally established, as well as a determination of the geographic extent, intensity, and frequency of the use, and that it otherwise complies with the nonconformities article is binding on the City. Without a binding nonconformity determination from the City, a property owner may be subject to enforcement action pursuant to Chapter 1.030 if the use or structure is not in compliance with the nonconformities article.
9. Pre-existing approvals and Vested Rights
- a. Applications deemed complete prior to the effective date of this Chapter are protected from application of the requirements of this Chapter for that development order only (not for future development orders) provided the application is processed in accordance with the timeframes in the code, not to exceed 180 days.
 - b. Development Orders approved prior to the effective date of this Chapter shall not be considered to be in conflict with this Chapter, and shall be deemed consistent with this Chapter, provided that development is continuing in good faith, pursuant to, and in strict compliance with, its approved timetable of development or if no timetable exists, development is completed within one (1) year of the effective date of this Chapter. For example, approved subdivisions may be constructed as approved; however, future development on individual lots shall be subject to the law in effect at the time the building permit is sought. Any amendments to development orders, including timetable amendments, to an existing development order shall require full and strict compliance with the requirements of this Chapter to the extent of the amendment.
 - c. Development Orders for purposes of this Section includes planned developments, subdivisions, and construction pursuant to site design approvals or any other development approval, permit or authorization issued pursuant to the St. Helens Community Development Code or Building Codes and Ordinances.
 - d. Notwithstanding the above, individual lots for "vested" subdivisions or planned developments approved since the adoption of the Community Development Code in 1999, must comply with

the requirements of this Chapter at building permit issuance, except that contiguous lots in the same ownership shall not be required to be combined until one year after the effective date of this Chapter.

- e. Any person who desires a determination as to whether rights are vested for development on a property owned by that person may submit a request for such a determination to the City Council.
- 10. Dredging and channel maintenance conducted under permit from the State of Oregon.
- 11. Placement of signs, markers, or other similar navigation aids by a public agency.
- 12. Activities conducted to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, including, but not limited to installation and maintenance of educational and interpretative signage and trail improvements, including elevated boardwalks no greater than necessary to comply with ADA requirements on public property by volunteers or City employees or contractors..
- 13 Alterations of buildings or structures that do not increase building coverage.
- 14. Measures taken by private property owners or governmental agencies to abate identified public health or safety hazards, public nuisances, and code violations as part of informal or formal resolution of violation proceedings.

1.091.040 Protection Zone Exceptions. Limited Activities and Uses within the Protection Zone. Unless otherwise specified, findings by the approval authority concerning whether a proposed use or activity meets the exception criteria shall be incorporated into the underlying decision on the application. If the application concerns only an exception or is part of a building permit process, it shall be made as a Director's Decision in accordance with the procedures in Section 1.070.090, unless otherwise specified.

- A. Protection Zone Reduction (up to 50% for undeveloped properties) - The protection zone may be reduced by the approval authority up to 50 percent where equal or better protection for identified resources will be ensured through restoration, enhancement and similar measures. Specifically the following criteria and conditions must be met to be eligible for a protection zone reduction, the applicant must demonstrate that:
 - 1. The application of the protection zone to the lot or parcel as evidenced by the environmental assessment, precludes all reasonable use of the lot or parcel under the applicable zone designation and renders it not buildable, after consideration of all applicable limitations and restrictions in this Code

;and

2. The lot or parcel is a “Legally created lot or parcel of record” as defined in this Chapter (this exception is not available for land divisions); and
 3. The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of this Chapter; and
 4. The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development: 1) multistory construction shall be used; 2) parking spaces shall be minimized to no more than that required as a minimum for the use; 3) No accessory structures allowed; 4) paving shall be pervious; 5) engineering solutions shall be used to minimize additional grading and/or fill; and
 5. The proposed use or activity is designed to minimize intrusion into the protection zone. Specifically the use or activity is designed using up to a 50% adjustment to any dimensional standard (e.g. front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible. Design shall be to the adjustment; and
 6. The protection of the significant riparian corridor and/or significant wetland can be assured through restoration, enhancement, and other similar measures in the protection zone and the resource area; and
 7. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
- B. Micro-Siting Standards for Residential Lot of Record Development. When a “Legally created lot or parcel of record” as defined in this Chapter is proposed to be developed for single dwelling residential use and all or part of the lot or parcel is encompassed within a protection zone, the development of the lot shall be permitted subject to compliance with the following Micro-Siting standards:
1. The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of this Chapter; and
 2. The building footprint encroaching into the protection zone shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of single dwelling residential purposes. Preference in location of the building footprint shall be given to areas devoid of native vegetation; and

3. The Director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The Director or approving authority may approve up to a 50% adjustment to any dimensional standard (e.g. front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and
 4. The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development: 1) multi-story construction shall be used; 2) parking spaces shall be minimized to no more than that required as a minimum for the use; 3) no accessory structures allowed; 4) paving shall be pervious; 5) engineering solutions shall be used to minimize additional grading and/or fill; and
 5. In no case shall the impervious surface area of the single dwelling use (including building footprint, driveway, and parking areas and accessory structures) exceed 3000 square feet or 50% of the protection zone on the lot or parcel, whichever is less; and
 6. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
- C. Micro-Siting Standards for Non-Residential Parcel of Record Development. When a "Legally created lot or parcel of record" as defined in this Chapter is proposed to be developed for non-residential use and all or part of the lot or parcel is encompassed within a protection zone, the development of the lot shall be permitted subject to compliance with the following Micro-Siting standards:
1. The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of this Chapter; and
 2. The building footprint encroaching into the protection zone shall be limited to that which is the minimum necessary to obtain reasonable use of the property for a single use identified as permitted outright in the zoning district. Preference in location of the building footprint shall be given to areas devoid of native vegetation. The use permitted shall be of the minimum intensity necessary to obtain reasonable use of the property; and
 3. The Director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The Director or approving authority may approve up to a 50% adjustment to any dimensional

- standard (e.g. front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and
4. The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development: 1) multi-story construction shall be used; 2) parking spaces shall be minimized to no more than that required as a minimum for the use; 3) no accessory structures allowed; 4) paving shall be pervious; 5) engineering solutions shall be used to minimize additional grading and/or fill; and
 5. In no case shall the impervious surface area of the alteration and development footprint, including parking and accessory structures exceed 50% of the protection zone on the lot or parcel, whichever is less; and
 6. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
- D. Encroachment, where necessary for access to upland property. - In conjunction with a development request, an exception shall be granted to permit access to property when the owner of the property demonstrates that encroachment of the protection zone is necessary for access to the site and no reasonable upland alternative exists. The approval authority must find that (i) the encroachment is the least damaging alternative, and (ii) the encroachment is the minimum encroachment capable of providing the required access, and (iii) the applicant submits an acceptable proposal for mitigation which will minimize damage to the protection zone such that there is no net loss of functions or spatial extent of the protection zone. In addition, design techniques, including but not limited to box culverts or piling support bridges, shall be used to minimize impacts on adjacent wetland and riparian resources. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
- E. Reconstruction. Reconstruction of legally established uses or structures is permitted in the same location, such as those uses or structures identified in 1.091.035A.8.A.(1)-(5) above, as well as reconstruction of single dwelling units and accessory structures and non-residential structures under CDC 1.142.040A.2., provided the structures, accessory structures, and uses are not expanded in geographic location, (i.e. total footprint), intensity or frequency of use, beyond existing established footprint boundaries, provided also that the uses or structures were legally established, and otherwise comply with the nonconformities article. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
- F. Other Authorized Activities in the Protection Zone. The following uses, alteration and development activity shall be permitted in a Protection Zone provided the

approval authority finds that proposed development uses or alterations are designed and constructed in a manner to minimize intrusion into the protection zone, and the applicant demonstrates compliance with specific requirements listed, and all applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, are met.

1. Construction of new streets, roads and paths in public rights of way or easements.
2. Construction of new drainage facilities, utilities and irrigation pumps in public rights of way or easements, existing or herein accepted by the City thereafter.
3. Construction of water related and water dependent uses, provided removal of vegetation is limited to that necessary for the development of the water-related or water dependent use.
 - a. Water access. Within the protection zone no development shall be permitted except to provide the property owner reasonable access to the water. Development shall be restricted to accessways running generally perpendicular to the shoreline, and such accessways shall represent the minimum alteration required for access, and shall be no greater than six (6) feet in width. The use of heavy equipment shall be prohibited, and there shall be no temporary filling of any protections zone for access purposes.
 - b. For those properties that are designated and zoned for marine commercial use and/or industrial use, development associated with access to the water through the protection zone must be accomplished in a manner that is least disruptive to the protection zone and generally shall not exceed a width of thirty (30) feet. The access must be accepted by the Director and be for water dependent or related use or an industrial development need. Where vehicle turnaround and maneuver are needed, the area of alteration shall likewise be limited to 30 feet in width. Boat entry and retrieval facilities shall be allowed. This exception shall be used only to the extent necessary to provide commercial or industrial access to the water.
 - c. For those properties that are designated and zoned for public lands and used for parks, public boat ramps, docking facilities, fishing piers, and related facilities providing benefits which exceed those lost as a result of protection zone alterations, an accessway running generally perpendicular to the shoreline shall be no greater than thirty (30) feet in width. Where vehicle turnaround and maneuver are needed, the area of alteration shall likewise be limited to 30 feet in

width. Boat entry and retrieval facilities shall be allowed. Public use shall demonstrate the need for direct water access in any proposal for protection zone clearing under this subsection. This exception shall be used only to the extent necessary to provide public access to the water.

4. Alteration or removal of noxious, invasive and/or non-native vegetation with power assisted equipment or machinery, or chemical control, provided any chemicals used are authorized and approved for such use by the Oregon Department of Agriculture or DEQ, upon a finding that the noxious plant infestation is extensive.
5. Planting of native vegetation when planted with power assisted equipment or machinery.
6. Non-emergency activities. Repair or other remedial actions performed by governmental or public utility workers or their agents when it is necessary to:
 - a. Prevent a threat to public health or safety; or
 - b. Prevent danger to public or private property; or
 - c. Prevent a threat of serious environmental degradation; or
 - d. Complete cleanup of contaminated properties.
7. Tree Removal for Hazard prevention. Remedial action to remove a tree or portion thereof by a property owner which must be undertaken to:
 - a. Prevent a threat to public health or safety; or
 - b. Prevent danger to public or private property; or
 - c. Prevent a threat of serious environmental degradation,
8. Construction of new Accessory Uses or Structure(s) or expansion of existing uses or primary structure shall:
 - a. Strictly comply with applicable standards of the Community Development Code, including specifically Chapter 1.156; and
 - b. Strictly comply with all applicable General Criteria in 1.091.055, including restoration and enhancement requirements at 3-1 area ratio.

1.091.045 Resource Exceptions. Limited Activities and Uses within Significant Wetlands, Significant Riparian Corridors. (Resource areas). Unless otherwise specified, findings concerning whether a proposed use or activity meets the exception criteria shall be incorporated into the underlying decision on the application. If the application concerns only an exception it shall be made as a Director's Decision in accordance with the procedures in Section 1.070.090, unless otherwise specified.

- A. Micro-Siting for Residential Lot of Record Development. When a "Legally created lot or parcel of record" as defined in this Chapter is proposed to be developed for single family residential use and all or part of the lot or parcel is encompassed within a significant wetland or riparian corridor, minimum development of the lot necessary to avoid a taking claim shall be permitted subject to compliance with the following Micro-Siting standards:
1. The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of this Chapter; and
 2. The building footprint encroaching into the resource area shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of single family residential purposes. The application of the resource and protection zone to the lot or parcel as evidenced by the environmental assessment, precludes all reasonable use of the parcel under the applicable zone designation and renders it not buildable, after consideration of all applicable limitations and restrictions in this Code; and
 3. Preference in location of the building footprint shall be given to areas devoid of native vegetation; and
 4. The Director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the resource area and protection zone. Design shall be held to this adjustment. The Director or approving authority may approve up to a 75% adjustment to any dimensional standard (e.g. front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and
 5. The proposed development shall minimize disturbance to the resource area and protection zone by utilizing design options to minimize or reduce impacts of development including but not limited to multi-story construction, minimizing parking, garage space, and paving and use of retaining walls or other engineering solutions to minimize filling and grading; and
 6. In no case shall the impervious surface area of the single family residence

(including building footprint, driveway, and parking areas and accessory structures) exceed 3000 square feet or 50% of the resource area and protection zone on the lot or parcel, whichever is less.

7. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements at 2-1 area ratio, shall be met.
- B. Micro-Siting for Non-Residential Parcel of Record Development. When a “Legally created lot or parcel of record” as defined in this Chapter is proposed to be developed for non-residential uses and all or part of the lot or parcel is encompassed within a significant wetland or riparian corridor, minimum development of the lot necessary to avoid a taking claim shall be permitted subject to compliance with the following Micro-Siting standards:
1. The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of this Chapter; and
 2. The building footprint encroaching into the protection zone shall be limited to that which is the minimum necessary to obtain reasonable use of the property for a single use identified as permitted outright in the zoning district. The application of the resource and protection zone to the lot or parcel as evidenced by the environmental assessment, precludes all reasonable use of the parcel under the applicable zone designation and renders it not buildable, after consideration of all applicable limitations and restrictions in this Code. Preference in location of the building footprint shall be given to areas devoid of native vegetation. The use permitted shall be of the minimum intensity necessary to obtain reasonable use of the property; and
 3. The Director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The Director or approving authority may approve up to a 75% adjustment to any dimensional standard (e.g. front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the resource area and protection zone as is possible; and
 4. The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development including but not limited to multi-story construction, minimizing parking and accessory structures and use of retaining walls or other engineering solutions to minimize filling and grading; and
 5. In no case shall the impervious surface area of the alteration and development footprint, including parking and accessory structures exceed 50% of the resource and protection zone on the lot or parcel; and

6. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements at 2-1 area ratio, shall be met.
- C. Encroachment (necessary for access to upland property). An exception shall be granted to permit access to property when the owner of the property demonstrates that encroachment of the significant wetland or riparian corridor and protection zone is necessary for access to the site and no reasonable upland alternative exists. The approval authority must find that (i) the encroachment is the least damaging alternative, and (ii) the encroachment is the minimum encroachment capable of providing the required access, and (iii) the applicant submits an acceptable proposal for mitigation which will minimize damage to the protection zone such that there is no net loss of functions or spatial extent of the significant wetland, riparian corridor and protection zone. In addition, design techniques, including but not limited to box culverts or piling support bridges, shall be used to minimize impacts on adjacent wetland and riparian resources. All applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
 - D. Reconstruction. Reconstruction of legally established uses or structures in the same location or such as those uses or structures identified in 1.091.035A.8.A.(1)-(5) above, as well as reconstruction of single dwelling units and accessory structures and non-residential structures under CDC 1.142.040A.2., provided the structures, accessory structures, and uses are not expanded in geographic location, (i.e. total footprint), intensity or frequency of use, beyond existing established boundaries, provided also that the uses or structures were legally established, otherwise comply with the nonconformities article. Provided further that all applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements, shall be met.
 - E. Other Authorized Activities in the Significant Wetland and Riparian Corridor. The following uses, alteration and development activity shall be permitted in a Significant Wetland and Riparian Corridor provided the approving authority finds that proposed development uses or alterations are designed and constructed in a manner to minimize intrusion into the wetland, riparian corridor and protection zone, and the applicant demonstrates compliance with specific requirements listed, and all applicable General Criteria in 1.091.055, including minimum restoration and enhancement requirements at 2-1 area ratio, are met.
 1. Construction of new streets, roads and paths in public rights of way or easements.
 2. Construction of new drainage facilities, utilities and irrigation pumps in public rights of way or easements.
 3. Construction of water related and water dependent uses, provided removal

of vegetation is limited to that necessary for the development of the water-related or water dependent use.

- a. Water access. Within the Riparian Corridor no development shall be permitted except to provide the property owner reasonable access to the water. Development shall be restricted to accessways running perpendicular to the shoreline, and such accessways shall represent the minimum alteration required for access, and shall be no greater than six (6) feet in width. The use of heavy equipment shall be prohibited, and there shall be no temporary filling of any protection zone for access purposes.
 - b. For those properties that are designated and zoned for marine commercial use and/or industrial use, development associated with access to the water through the riparian corridor and protection zone must be accomplished in a manner that is least disruptive to the riparian corridor and protection zone and generally shall not exceed a width of thirty (30) feet. The access must be accepted by the Director or approving authority and provide for either a public commercial benefit or an industrial development need. Where vehicle turnaround and maneuver are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Boat entry and retrieval facilities shall be allowed. This exception shall be used only to the extent necessary to provide commercial or industrial access to the water.
 - c. For those properties that are designated and zoned for public lands and used for parks, public boat ramps, docking facilities, fishing piers, and related facilities providing benefits which exceed those lost as a result of Riparian Corridor and protection zone alterations, an accessway running generally perpendicular to the shoreline shall be no greater than thirty (30) feet in width. Where vehicle turnaround and maneuver are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Boat entry and retrieval facilities shall be allowed. Public use shall demonstrate the need for direct water access in any proposal for riparian corridor and protection zone clearing under this subsection. This exception shall be used only to the extent necessary to provide public access to the water.
 - d. Construction of docks or structures in waterways shall comply with Section 1.091.055.
4. Alteration or removal of noxious, invasive and/or non-native vegetation with

power assisted equipment or machinery, or chemical control, provided any chemicals used are authorized and approved for such use by the Oregon Department of Agriculture or DEQ, upon a finding that the plant infestation is extensive.

5. Planting of native vegetation when planted with power assisted equipment or machinery.
6. Non-emergency activities. Repair or other remedial actions performed by governmental or public utility workers when it is necessary to:
 - a. Prevent a threat to public health or safety; or
 - b. Prevent danger to public or private property; or
 - c. Prevent a threat of serious environmental degradation.
7. Tree Removal for Hazard prevention. Remedial action to remove a tree or portion thereof by a property owner which must be undertaken to:
 - a. Prevent a threat to public health or safety; or
 - b. Prevent danger to public or private property; or
 - c. Prevent a threat of serious environmental degradation.

1.092.050 Additional Requirements for Land Divisions and New Development.

- A. Density Transfer. Except as provided below, residential density transfer shall not be available.
 1. Residential density transfer within the same property, or within contiguous properties within the same ownership, shall be permitted for planned development with a development agreement pursuant to ORS Chapter 94, subject to the following:
 - a. Density Bonus. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area notwithstanding Chapter 1.100 of the CDC.
- B. Design standards. Except as provided below, Significant Wetlands, Significant Riparian Corridors and Protection Zones shall not be permitted as part of individual lots or new streets or infrastructure areas and shall be made part of separate preservation tracts to be managed by a homeowner's association or other entity

responsible for preservation.

1. Protection zones may be made part of individual lots and protection zones may vary in width provided average protection zone width complies with this Chapter in Planned Developments with a development agreement pursuant to ORS Chapter 94, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.
- C. A Development Agreement entered into pursuant to ORS Chapter 94, and in accordance with City requirements may be used where a Planned Development is not available to achieve flexibility in design standards, density transfer, and density bonuses as discussed in 1.091.050.A and B above.

1.091.055 General Criteria for Exceptions and Other Approvals. The appropriate approval authority shall approve or approve with conditions an application request within a Significant Wetland, Significant Riparian Corridor or Protection Zone based upon findings that all of the following criteria have been satisfied and the conditions herein are imposed:

- A. The extent and nature of the proposed alteration or development will not create site disturbances to an extent greater than the minimum required for the use;
- B. No loss of Wetland /Riparian area and function:
 1. Any wetland or riparian area alteration permitted through an exception or other approval shall be mitigated to ensure that there is no net loss of functions or the spatial extent of wetlands or riparian area within the City of St. Helens.
 2. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland or riparian characteristics have been mitigated;
- C. Where natural vegetation has been removed due to alteration or development, erosion control provisions of the Community Development Code and Engineering Department Public Facility Construction Standards Manual shall be met;
- D. All applicable Sensitive Lands requirements of Chapter 1.092 have been met;
- E. Copies of all state and federal permit applications shall be submitted with development applications requiring compliance with this Chapter. All required state and federal permits shall be obtained and copies provided to the City of St. Helens prior to alteration of the site.
- F. The protection of the significant riparian corridor or significant wetland can be assured through restoration, enhancement, and other similar measures in the

protection zone and the resource area. The following minimum restoration and enhancement shall be required as a condition of approval:

1. The applicant shall enter into a two year Contract for Installation and Maintenance of Plant Materials with the City. Financial security in an amount not less than 110% of the cost estimate for installation shall be provided. Within the time specified in the contract, the applicant shall remove noxious vegetation and restore or enhance with native plant materials and other approved resource enhancements all required portions of the protection or resource zone on the site, as well as restoration and enhancement in any associated contiguous resource area under the applicant's ownership or control.
2. Restoration and Enhancement shall be on a 1:1 area basis or such greater ratios as specified in this Chapter for the requested activity. Thus, at a minimum, for every 100 square feet of protection zone or resource area that is altered or used for development purposes, at least 100 square feet of the available remaining resource area and/or protection zone shall be enhanced or restored. Priority shall be given to removal of noxious vegetation and planting of native plant materials, including groundcover, under-story and canopy, in non-vegetated areas or areas where noxious plant species are removed. The number and type of plant materials shall be specified in the contract but shall at a minimum comply with the following requirements:
 - a. Only Plant Materials approved by the Director shall be installed in the Protection Zone or the Resource Areas. Plant materials shall be of high quality.
 - b. No Noxious Plants shall be installed and existing noxious materials shall be removed.
 - c. Plant materials shall consist of groundcover, under-story and canopy materials and shall be located in such a manner to maximize enhancement and restoration of the resource area and the protection zone, with particular emphasis on temperature reduction of watercourses, erosion control, and wildlife habitat enhancement.
 - d. Installation standards within the required enhancement area be as follows:
 - (1) Groundcover shall be hydro-seeded or planted at two foot intervals or such other interval established by the approval authority as sufficient to attain coverage of the required area within the two year contract period.
 - (2) Under-story shall be minimum 1 gallon materials planted at 6

- foot intervals or such other interval approved by the approval authority as sufficient to attain adequate coverage within the two year contract period.
- (3) Canopy trees shall be planted at 20 foot intervals or such other interval as required to install all materials required for tree mitigation pursuant to the Tree Mitigation requirements of the Community Development Code.
 - (4) Additional materials or other habitat enhancements are encouraged.
- e. As a condition of approval the applicant shall implement a Management Plan for the entire Protection zone and Resource areas under the applicant's ownership or control, including the areas restored and enhanced. The Management Plan must be approved by the City and shall be attached to the approval document. The Management Plan shall contain the following requirements and statements:
- (1) Identification of resource and protection zone management practices to be conducted and proposed intervals;
 - (2) Provisions for the perpetual maintenance of protection zone and resource areas by a responsible party;
 - (3) Provisions for the initial removal and ongoing management of exotic invasive vegetation and debris;
 - (4) Plans for the restoration and enhancement of any resource or protection areas with appropriate native plant material;
 - (5) Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies;
 - (6) Provision for protective barriers around all trees and vegetation to be saved in accordance with minimum City standards, and prohibiting all activity within these areas during construction;
 - (7) Specific provisions for City enforcement of the Management Plan as contained in the City approved sample Management Plan;
 - (8) Any additional measures deemed necessary to protect and

maintain the functions and values of the wetlands, riparian corridors and protection zones. (E.g. signage delineating preserve boundaries)

- (9) The following statements:
 - (a) “There shall be no alteration of significant wetlands, riparian corridors or protection zones as delineated and shown on the attached plan” [attach reduced plan];
 - (b) “There shall be no alteration of the size, shape or design of an approved protection area or resource area without the approval by the City of St. Helens” (modification to original permit);
 - (c) “There shall be no amendment or change to this Management Plan without the approval of the City of St. Helens” (modification to original permit).
3. The Exception or other approval document shall be recorded in the public records to give notice of the protection zone and resource area restrictions and maintenance obligations and to ensure no further encroachment into the protection zone and resource area occurs.
4. The applicant may dedicate a conservation easement or equivalent protection instrument to the City, homeowner’s association or a conservation organization, provided the form of the instrument is approved by the City Attorney and accepted by the Council, if offered. Applicants should consult with their legal counsel or tax professionals about the tax advantages of conservation easements.
5. The Director or approval authority may impose such additional reasonable conditions to mitigate other identified impacts resulting from development on the site.

1.091.060 Administration and Approval Processes. Administration and approval processes shall be as set forth in Chapter 1.092 for other sensitive lands.

1.091.065 Application Requirements. Application requirements shall be as set forth in Chapter 1.092 for other sensitive lands, except that an Environmental Assessments (EA), as defined below, shall be required in addition to other application requirements.

- A. Minimum Requirement for Environmental Assessment. The EA shall include the following information:

1. Vicinity map;
 2. Site designated on St. Helens Local Wetland Inventory (LWI) Map and/or Riparian Corridor Map;
 3. The wetland/riparian corridor boundary must be accurately drawn at an appropriate engineering scale of one inch equals four hundred feet (1" = 100') or larger. Existing features must be distinguished from proposed features. The map must show:
 - a. Site boundary property lines and roads;
 - b. Property lines, rights-of-way, easements, etc.;
 - c. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
 - d. Contours at the smallest readily available intervals, preferably at two-foot intervals;
 - e. Delineated boundaries of wetlands, tops-of-bank, steep slopes, and protection zone;
 - f. Hydrologic mapping showing patterns of surface water movement into, through, and out of the site area; and
 - g. Location of all test holes and vegetation sample sites, numbers to correspond with flagging in the field and field data sheets.
- B. Where environmental impacts may be significant, an aerial photo with overlays displaying the site boundaries and wetland and protection zone/delineation may be required. Generally, an orthophotograph at a scale of one inch equals four hundred feet (1" = 400') or greater, should be used. If an orthophotograph is not available a smaller scale aerial photograph enlarged to one inch equals four hundred feet (1" = 400') may be used.

The EA narrative shall describe the following:

1. Location information including legal description and address;
2. Methodology used for delineation of wetlands, tops-of-bank, steep slopes, and protection zone;
3. General site conditions, including topography, acreage, and surface areas of wetlands and water bodies;

4. Specific descriptions of plant communities, soils, and hydrology; and
 5. Wetland field data sheets, numbered to correspond with sample site locations as staked and flagged in the field.
- C. Supplemental EA Requirements for all new land division and vacant land development applications, (excluding lot of record exceptions) and such other applications when such additional information is required by the Director pursuant to 1.091.070.

The EA report shall include an analysis of significant adverse impacts to the wetland and riparian corridor functions and values. The impact analysis is based on the resource functions and values identified in the Local Wetland Inventory and Riparian Inventory reports. Potential impacts may include (but are not limited to) loss of flood storage potential, loss of wildlife habitat, loss of species diversity or quantity, changes in water quality, any increase in human intrusion, and impacts on associated wetland or water resources. To the extent that the wetlands and/or riparian corridors are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. An impact analysis shall include: Identification, by characteristics and quantity, of the resources and the resource functions and values found on the site.

- D. Evaluation of alternative locations, design modifications, or alternative methods of development that avoid significant adverse impacts to identified resource functions and values. Such measures to avoid or reduce impacts may include:
1. Limiting the degree or magnitude of the proposed activity;
 2. Limiting the implementation of the proposed activity;
 3. Using appropriate and best available technology;
 4. Taking affirmative steps to avoid or minimize impacts; and
 5. Design, siting, or construction of proposed activities so as to avoid potential impacts to wetlands, riparian corridors, and steep slopes.
- E. Determination of the alternative that best meets the applicable approval criteria and determination of unavoidable impacts.
- F. The report shall contain an analysis of recommended measures to avoid significant adverse impacts to wetlands/riparian corridors and their associated protection zones and an identification of impacts that cannot be avoided or reduced.

The report shall contain:

1. Recommended measures to mitigate unavoidable adverse impacts to wetlands/riparian corridors and their associated protection zones.
2. A mitigation plan shall include, at a minimum:
 - a. A description of the resources and the resource functions and values to be restored, created, or enhanced on the mitigation site;
 - b. A plan showing proposed disturbance limits; location, species, and size of proposed plantings; location, size, and details of other proposed mitigation measures; stormwater management and erosion control features; and construction management measures.
3. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
4. Construction timetables;
5. Operations and maintenance practices;
6. Monitoring and evaluation procedures; and
7. Remedial actions for unsuccessful mitigation.

1.091.070 Additional Information Required and Waiver of Requirements.

1. The Director may require information in addition to that required by this Chapter in accordance with Section 1.070.080.
2. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B. and C.

1.091.075 Claims Requirement.

1. Takings - The regulations of this Chapter shall not be construed or applied so as to prevent all reasonable use of property and constitute a taking of property without just compensation. Any property owner who believes the regulations in this Chapter as applied or facially constitute a taking shall petition the City Council for relief as part of a timely appeal of a land use action in which this Chapter is applied. Any relief granted in an individual case shall constitute the minimum necessary to allow reasonable use of and to avoid a taking of the affected property.
2. Vested rights - Any person who desires a determination as to whether rights

are vested for development on a property owned by that person shall submit a request for such a vested rights determination to the City Council as part of a timely appeal of a land use action in which this Chapter is applied. Said application shall address the standards for vested rights as provided in statutory and case law and shall include supporting documentation. Applications shall specify with particularity the governmental authorizations or approvals relied upon and shall document all expenditures alleged to be made in reliance on said authorizations or approvals.

Chapter 1.092 SENSITIVE LANDS.

Sections:

- 1.092.010 Purpose.**
- 1.092.015 Applicability of Uses: Permitted, Prohibited, and Nonconforming.**
- 1.092.020 Administration and Approval Process.**
- 1.092.025 Maintenance of Records.**
- 1.092.026 General Provisions for Floodplain Areas.**
- 1.092.028 General Provisions for Wetlands.**
- 1.092.030 Expiration of Approval: Standards for Extension of Time.**
- 1.092.040 Approval Standards.**
- 1.092.045 Exception for Development.**
- 1.092.050 Application Submission Requirements.**
- 1.092.060 Additional Information Required and Waiver of Requirements.**
- 1.092.070 Site Conditions.**
- 1.092.080 The Site Plan.**
- 1.092.090 Grading Plan.**
- 1.092.100 Landscape Plan.**

1.092.010 Purpose.

- A. Sensitive lands are lands potentially unsuitable for development because of their location within:
 - 1. The 100-year floodplain per the Federal Emergency Management Agency (FEMA) map;
 - 2. Natural drainageways;
 - 3. Wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, and/or are designated as significant wetland on the St. Helens Comprehensive Plan Floodplain and Local Wetlands Inventory Maps;
 - 4. Steep slopes of 25 percent or greater and unstable ground;
 - 5. Fish and Wildlife Habitats as listed in acknowledged Comprehensive Plan;
 - 6. Archaeologically designated sites or culturally designated sites as listed in acknowledged Comprehensive Plan;

7. State and Federal Threatened/Endangered species habitats as listed by the applicable authority; and
 8. Open Space/Open Space Design Review areas shown on the Comprehensive Plan Map.
- B. Sensitive land areas are designated as such to protect the public health, safety, and welfare of the community through the regulation of these sensitive land areas.
- C. Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in St. Helens by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.
- D. The regulations of this chapter are intended to implement the comprehensive plan and the city's flood plain management program as required by the National Flood Insurance Program, and help to preserve natural sensitive land areas from encroaching use.

1.092.015 Permitted and Conditional Use—Permit Requirements.

- A. All uses are conditioned on obtaining a permit except:

The following listed uses are outright permitted uses within the 100-year floodplain, drainageways, slopes that are 25 percent or greater, and unstable ground when the use does not involve paving. No permit is required for permitted use. For the purposes of this chapter, the word "structure" shall exclude: children's play equipment, picnic tables, sand boxes, grills, basketball hoops and similar recreational equipment.

1. Public and private conservation areas for water, soil, open space, forest, and wildlife resources;
 2. Removal of invasive/exotic/non-native vegetation (e.g. poison oak, tansy ragwort, blackberry) as determined by the Director; and
 3. Maintenance of floodway excluding rechanneling.
- B. Administrative Sensitive Lands Permit
1. Administrative sensitive lands permits in the 100-year floodplain, drainageway, slopes that are 25 percent or greater, and unstable ground shall be obtained from the appropriate authority for the following:

- a. The City Engineer shall review the installation of public support facilities such as underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights, and driveway aprons;
 - b. The City Engineer shall review minimal ground disturbance(s) or landform alterations involving 0 to 50 cubic yards of material, except in the floodway area, for land that is within public easements and rights of way;
 - c. The Director shall review minimal ground disturbance(s) or landform alterations involving 0 to 50 cubic yards of material, except in the floodway area;
 - d. The Director shall review the repair, reconstruction, or improvement of an existing structure or utility in Sensitive Lands, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
 - e. The Director shall review all building permits for any construction in Sensitive Lands, except in the floodway area; see Chapter 1.152, Temporary Uses; and
 - f. The Director shall review applications for paving on private property in Sensitive Lands, except in the floodway area.
2. The responsible authority shall approve, approve with conditions, or deny an application for a development permit, as described above in Subsection 1., based on the standards set forth in Sections 1.092.026 and 1.092.040.
- C. Jurisdictional Wetlands
- THIS SECTION IS SUSPENDED UNTIL THE PERIODIC REVIEW WORK TASK ON GOAL 5 FOR WETLAND AND RIPARIAN CORRIDORS IS COMPLETED.**
- Landform alterations or developments which are only within wetland areas that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers, Division of State Lands, and/or other federal, state, or regional agencies also require a sensitive lands permit. The City shall require that all necessary permits from other agencies are obtained. All other applicable City requirements must be satisfied, including, but not limited to, sensitive land permits for areas within the 100-year floodplain, slopes of 25 percent or greater or unstable ground, drainageways, and wetlands.
- D. Sensitive Lands Permits Issued by the Director

1. The Director shall have the authority to issue a sensitive lands permit in the following areas:
 - a. Drainageways;
 - b. Slopes that are 25 percent or greater or unstable ground; and
 - c. Wetland areas.
 2. Sensitive lands permits shall be required for the areas in Subsection D.1 above when any of the following circumstances apply:
 - a. Ground disturbance(s) or landform alterations;
 - b. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction;
 - c. Residential and non-residential structures intended for human habitation; and
 - d. Accessory structures outside of floodways.
 3. Cultural sites.
- E. Sensitive Lands Permits Issued by the Planning Commission
1. The Planning Commission shall have the authority to issue a sensitive lands permit in the 100-year floodplain.
 2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:
 - a. Ground disturbance(s) or landform alterations in all floodway areas;
 - b. Ground disturbance(s) or landform alterations in floodway fringe locations, including disturbances or alterations in or near protected species habitats;
 - c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;

- d. Structures intended for human habitation; and
- e. Accessory structures outside of floodway areas.
- 3. Fish and wildlife habitats as listed.
- 4. State and Federal Threatened/Endangered Species Habitats as listed.
- 5. Open Space Design Review.
- F. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on sensitive land areas.
- G. A use established prior to the adoption of this code, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 1.142.
- H. Threatened and endangered species habitats and areas also need permission of appropriate agency(ies).

1.092.020 Administration and Approval Process.

- A. The applicant for a sensitive lands permit shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required. (See Section 1.070.040.) If uncertainty exists in regards to the location or configuration of wetland areas, staff shall make an on-site inspection prior to an application being initiated to review the nature and extent of the resource. If necessary, assistance from state and federal agencies shall be sought to provide the applicant additional information.
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for not more than 6 months:
 - 1. Another pre-application conference is required if any variance application is submitted more than 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standard, criteria or requirements of the application.

- D. The appropriate authority shall approve, approve with conditions, or deny an application for an administrative sensitive lands permit within the 100-year floodplain, drainageways, slopes that are 25 percent or greater, and unstable ground as set forth in Subsection 1.092.015.B.
- E. The Director shall approve, approve with conditions, or deny an application for a sensitive lands permit as set forth in Subsection 1.092.015.D. The decision made by the Director may be appealed to the Planning Commission as provided by Section 1.070.310.
- F. The Planning Commission shall approve, approve with conditions, or deny an application for a sensitive lands permit within the 100-year floodplain as set forth in Subsection 1.092.015.E. The Planning Commission's decision may be reviewed by the Council as provided by Section 1.070.310.
- G. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.
- H. The Director shall notify land owners adjacent to the affected area and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- I. The Director shall require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
- J. The appropriate approval authority shall apply the standards set forth in Sections 1.092.026, 1.092.040, and 1.092.045 when reviewing an application for a sensitive lands permit.
- K. The appropriate approval authority shall require that the elevations and floodproofing certification required in Section 1.092.025 be provided prior to occupancy or final approval of all new or substantially improved structures.
- L. The Director shall give notice of applications to be heard by the Planning Commission as provided by Section 1.070.130.
- M. The Director shall mail notice of sensitive lands application decisions in Subsections 1.092.015.D and E to the persons entitled to notice under Section 1.070.120.

1.092.025 Maintenance of Records.

- A. Where base flood elevation data is provided through the Flood Insurance Study, the Director shall require the owner to supply certified actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures, the Director shall:
 - 1. Require certified actual elevation (in relation to mean sea level); and
 - 2. Maintain the floodproofing certifications required in this chapter.
- C. The Director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

1.092.026 General Provisions for Floodplain Areas.

- A. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will be safe from flooding.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study of the City of St. Helens," dated August 16, 1988, with accompanying Flood Insurance Maps (updated August 16, 1988) is hereby adopted by reference and declared to be a part of this chapter. This Flood Insurance Study is on file at the St. Helens City Hall.
- C. When base flood elevation data has not been provided in accordance with Subsection 1.092.026.B., the Director 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 Subsections 1.092.026.M and N.
- D. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least 2 feet above grade in these sensitive land areas may result in higher insurance rates.
- E. All new construction and substantial improvements, including manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.
- F. All new construction and substantial improvements, including manufactured homes, shall be constructed using methods and practices that minimize flood damage.

- G. 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.
- H. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- I. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- J. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- K. Residential Construction:
 - 1. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated at least 1 foot above base flood elevation.
 - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than 1 foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.
 - 3. Manufactured homes shall be securely anchored to an adequately anchored permanent foundation system. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- L. Nonresidential Construction:

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

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 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 shall be provided to the Building Official as set forth in Subsection 1.092.025.B; and
 4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 1.092.026.K.2. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as 1 foot below that level).
- M. Subdivisions and partitions in the 100-year floodplain shall meet the following criteria:
1. The design shall minimize the potential for flood damage;
 2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed so as to minimize flood damage;
 3. Adequate drainage shall be provided to reduce exposure to flood damage; and
 4. For subdivisions or partitions which contain 50 or more lots or 5 acres and where base flood elevation data is not available from FEMA or another authoritative source, the applicant shall generate base flood elevation data to be reviewed as part of the application.

1.092.028 General Provisions for Wetlands.
THIS SECTION IS SUSPENDED UNTIL THE PERIODIC REVIEW WORK TASK ON GOAL 5 FOR WETLANDS AND RIPARIAN CORRIDORS IS COMPLETED.

- A. Wetland regulations apply to those areas meeting the definition of wetland in Chapter 1.040 of this Code, areas meeting Division of State Lands wetland criteria and to land adjacent to a wetland. Wetland locations may include but are not limited to those areas identified as wetlands in Local Wetlands Inventory.
- B. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

1.092.030 Expiration of Approval: Standards for Extension of Time.

- A. Approval of a sensitive lands permit shall be void if:
 - 1. Substantial construction of the approved plan has not begun within a 1½- year period; or
 - 2. Construction on the site is a departure from the approved plan.
- B. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year, provided that:
 - 1. No changes are made on the original plan as approved by the approval authority;
 - 2. The applicant can show intent of initiating construction of the site within the 1-year extension period; and
 - 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.

1.092.040 Approval Standards.

- A. The appropriate approval authority shall approve or approve with conditions an application request within the 100-year floodplain in Subsections 1.092.015.B. and E. based upon findings that all of the following criteria have been satisfied:
 - 1. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the no-rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other

development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

- a. Section 60.3 (d)(3) of the National Flood Insurance Program (NFIP) regulations states that a community shall “prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base (100-year) flood discharge.”
 - b. The engineering or no-rise certification must be supported by technical data. The supporting technical data should be based upon two separate analyses: a step-back water analysis and a conveyance compensation analysis. The standard step-backwater computer model is utilized to develop the 100-year floodway shown on the community’s effective Flood Insurance Rate Map or Flood Boundary and Floodway Map (FBFM) and the results tabulated in the community’s Flood Insurance Study (FIS). The conveyance compensation analysis is necessary because it is the Federal Emergency Management Agency’s position that any blockage to flow in the floodway will result in a rise to the one-hundred-year flood profile, regardless of the tabular results comparing BFE’s in pre- and post-development conditions in the backwater analysis.
2. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 1.040 of this Code shall be allowed in areas designated residential subject to applicable zoning standards;
 3. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood; and
 4. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained.
- B. The appropriate approval authority shall approve or approve with conditions an application request for a sensitive lands permit on slopes of 25 percent or greater or

unstable ground in Subsections 1.092.015.B. and D. based upon findings that all of the following criteria have been satisfied:

1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 1.108.
- C. The appropriate approval authority shall approve or approve with conditions an application request for a sensitive lands permit within drainageways in Subsections 1.092.015.B and D. based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to the extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The water flow capacity of the drainageway is not decreased;
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 1.108;
 5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1999 Master Drainage Plan; and
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained.

D. THIS SECTION IS SUSPENDED UNTIL THE PERIODIC REVIEW WORK TASK ON GOAL 5 FOR WETLANDS AND RIPARIAN CORRIDORS IS COMPLETED.

The Director shall approve or approve with conditions an application request for a sensitive lands permit within wetlands in Subsection 1.092.015.D. based upon findings that all of the following criteria have been satisfied:

1. The proposed landform alteration or development is not on wetland in an area designated as significant wetland in the Local Wetlands Inventory;
2. The extent and nature of the proposed landform alteration or development will not create site disturbances to an extent greater than the minimum required for the use;
3. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;
4. Where native vegetation has been removed due to landform alteration or development, erosion control provisions must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 1.108, Landscaping and Screening; and
5. All other sensitive lands requirements of this chapter have been met.

E. The Director shall approve or approve with conditions an application request for a sensitive lands permit within Fish and Wildlife Habitats in Subsection 1.092.015.E. based upon findings that all of the following criteria have been satisfied:

1. The proposed landform alteration or development is not within Fish and Wildlife Habitats as listed;
2. The extent and nature of the proposed landform alteration or development will not create site disturbances to an extent greater than the minimum required for the use; and
3. All other Sensitive lands requirements of this chapter have been met.

F. The Director shall approve or approve with conditions an application request for a sensitive lands permit within Cultural areas and sites in Subsection 1.090.015.A. based upon findings that all of the following criteria have been satisfied:

1. Applicable State regulations/permits; and
2. All requirements of a full Site Development Review have been met.

- G. The Director shall within State and Federal ESA habitats require the applicant to obtain permission of State and Federal authorities to grant permission to disturb this area.
- H. The Director shall require a Site Development Review for any alterations or development requests on lands designated as OS/SR or UOS.

1.092.050 Application Submission Requirements.

- A. All applications for uses and activities identified in Subsections 1.092.015.B through E shall be made on forms provided by the Director and shall be accompanied by:
 - 1. Copies of the sensitive lands permit proposal and necessary data or narrative which explains how the proposal conforms to the standards, (number to be determined at the pre-application conference) and:
 - a. The scale for the site plan(s) shall be a standard engineering scale; and
 - b. All drawings or structure elevations or floor plans shall be a standard architectural scale, being ¼ inch by **C** inch to the foot.
 - 2. The required fee.
- B. The required information may be combined on 1 map.
- C. The site plan(s), data and narrative shall include the following:
 - 1. An existing site conditions analysis, Section 1.092.070;
 - 2. A site plan, Section 1.092.080;
 - 3. A grading plan, Section 1.092.090; and
 - 4. A landscaping plan, Section 1.092.100.

1.092.060 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Section 1.070.080.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B. and C.

1.092.070 Site Conditions.

- A. The site analysis drawings shall include:
1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, and utility locations;
 2. The site size and its dimensions;
 3. Contour lines at 2-foot intervals for grades zero to 10 percent and 5-foot intervals for grades over 10 percent;
 4. The location of drainage patterns and drainage courses;
 5. The location of natural hazard areas including:
 - a. Floodplain areas (100-year floodplain and floodway);
 - b. Slopes in excess of 25 percent;
 - c. Unstable ground (areas subject to slumping, earth slides or movement);
 - d. Areas having a high seasonal water table within 24 inches of the surface for 3 or more weeks of the year;
 - e. Areas having a severe soil erosion potential, or as defined by the Soil Conservation Service; and
 - f. Areas having severe weak foundation soils;
 6. The location of resource areas as shown on the comprehensive plan inventory map and as required in Section 1.092.035 including:
 - a. Wildlife habitat; and
 - b. Wetlands.
 7. The location of site features including:
 - a. Rock outcroppings; and
 - b. Trees with 6 inches caliper or greater measured 4 feet from ground level.

8. The location of existing structures on the site and proposed use of those structures.

1.092.080 The Site Plan.

- A. The proposed site development plan shall be at the same scale as the site analysis plan and shall include the following information:
 1. The proposed site and surrounding properties;
 2. Contour line intervals (see Subsection 1.092.070.A.3);
 3. The location, dimensions, and names of all:
 - a. Existing and platted streets and other public ways and easements on the site and on adjoining properties; and
 - b. Proposed streets or other public ways and easements on the site.
 4. The location and dimension of:
 - a. Entrances and exits on the site;
 - b. Parking and traffic circulation areas;
 - c. Loading and services areas;
 - d. Pedestrian and bicycle facilities;
 - e. Outdoor common areas; and
 - f. Utilities.
 5. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements, and utilities which are located on adjacent property and are permanent in nature; and
 - b. Proposed structures, improvements, and utilities on the site.
 6. The location of areas to be landscaped;
 7. The concept locations of proposed utility lines; and

8. The method for mitigating any adverse impacts upon wetland, riparian, or wildfire habitat areas.

1.092.090 Grading Plan.

- A. The site plan shall include a grading plan which contains the following information:
 1. Requirements in Sections 1.092.070 and 1.092.080;
 2. The identification and location of the benchmark and corresponding datum;
 3. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals; and
 4. A statement from a registered engineer supported by factual data substantiating:
 - a. The validity of the slope stabilization proposals;
 - b. That other off-site impacts will not be created;
 - c. Stream flow calculations;
 - d. Cut and fill calculations; and
 - e. Channelization measures proposed.

1.092.100 Landscape Plan.

- A. The landscape plan shall be drawn at the same scale as the site analysis plan, or a larger scale if necessary, and shall indicate:
 1. Location and height of fences, buffers, and screenings;
 2. Location of terraces, decks, shelters, play areas, and common open spaces where applicable; and
 3. Location, type, and size of existing and proposed plant materials.
- B. The landscape plan shall include a narrative which addresses:
 1. Soil conditions; and

2. Erosion control measures that will be used.

Chapter 1.096 SOLAR ACCESS REQUIREMENTS.

Sections:

- 1.096.010 Purpose.**
- 1.096.020 Applicability of Provisions.**
- 1.096.030 Definitions.**
- 1.096.040 Solar Access for New Development.**
- 1.096.050 Solar Balance Point.**

1.096.010 Purpose.

The purpose of this chapter is to implement comprehensive plan policies to promote the use of renewable energy sources by establishing criteria to allow improved access to sunlight for single detached dwelling unit and duplex residences.

1.096.020 Applicability of Provisions.

The provisions of this chapter shall apply to the creation of lots which are intended for single detached dwelling unit or duplex residences and the construction of single detached dwelling unit or duplex residences.

1.096.030 Definitions.

The definitions to be used in this chapter are in addition to Chapter 1.040, Definitions. In the case of similar or identical terminology, the definitions in this section shall govern for Chapter 1.096, Solar Access Requirements.

1. Crown Cover: The area within the drip line or perimeter of the foliage of a tree.
2. Development: Any partition, subdivision or planned development that is created under the City land division or zoning regulations.
3. Exempt tree or vegetation: The full height and breath of vegetation that the Director has identified as "solar friendly" that are listed and kept on file in the office of the Community Development Department; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit is exempt.

4. Front lot line: For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 1).
5. Non-exempt tree or vegetation: Vegetation that is not exempt.
6. Northern lot line: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot shall be at the north edge of such undevelopable area. If 2 lot lines have an identical angle relative to a line drawn east-west, or if the northern lot line is less than 35 feet, then the northern line shall be a line 35 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).
7. North-south dimension: The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).
8. Protected solar building line: A line on a plat or map recorded with the plat that identifies the location on a lot where a point 2 feet above may not be shaded by structures or non-exempt trees (see Figure 10).
9. Shade: A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
10. Shade point: The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

11. Shade reduction line: A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).
12. Shadow pattern: A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).
13. Solar access height limit: A series of contour lines establishing the maximum permitted height for non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.
14. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that uses solar energy is not a solar feature for purposes of this chapter.
15. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 7).
16. South or South facing: True south, or 20 degrees east of magnetic south.
17. Sun chart: 1 or more photographs that plot the position of the sun between 10:30 am and 1:30 pm on January 21, prepared pursuant to guidelines issued by the Director. The Sun chart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.
18. Undevelopable area: An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate 1 portion of a property from another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development which isolates a portion of the site and prevents its further development; or setbacks or development restrictions that prohibit development of a given area

of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

1.096.040 Solar Access for New Development.

- A. Purpose. The purpose of this section is to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.
- B. Applicability. The solar design standard in Section 1.096.040.C. shall apply to applications for a development to create lots in all zones allowing single dwelling units, detached and duplexes and to create lots for single dwelling unit detached and duplex dwellings in all other residential zones, except to the extent the approval authority finds that the applicant has shown 1 or more of the conditions listed in Sections 1.096.040.D and E exist, and exemptions or adjustments provided for therein are warranted.
- C. Design Standard. At least 80 percent of the lots in a development subject to this section shall comply with 1 or more of the options in this section; provided, a development may, but is not required to, use the options in Subsections 1.096.040.C.2 or C.3 to comply with this section.
 - 1. Basic Requirement (see Figure 9). A lot complies with this section if it:
 - a. Has a north-south dimension of 90 feet or more; and
 - b. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
 - 2. Protected Solar Building Line Option (see Figure 10). In the alternative, a lot complies with this section if a solar building line is used to protect solar access as follows:
 - a. A protected solar building line is designated on the plat or in documents recorded with the plat;
 - b. The protected solar building line is oriented within 30 degrees of a true east-west axis;
 - c. There is at least 70 feet between the protected solar building line and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
 - d. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures

are situated so that at least 80 percent of their ground floor south wall will not be shaded by structures or non-exempt vegetation.

3. Performance Option. In the alternative, a lot complies with this section if:
 - a. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80 percent of their ground floor south wall will be protected from shade by structures and non-exempt trees using appropriate deed restrictions; or
 - b. Habitable structures built on that lot will orient at 32 percent of their glazing and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof area are protected from shade by structures and non-exempt trees using appropriate deed restrictions.
- D. Exemptions from Design Standard. A development is exempt from Subsection 1.096.040.C if the approval authority finds the applicant has shown that 1 or more of the following conditions apply to the site. A development is partially exempt from Subsection 1.096.040.C to the extent the approval authority finds the applicant has shown that 1 or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1.096.040.C.
1. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.
 2. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.
 - a. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
 - b. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

- c. Shade from off-site vegetation is assumed to remain after development of the site if:
 - (1) The vegetation that causes it is situated in a required setback area; or
 - (2) The vegetation is within a fully developed area, public park, or legally reserved open space; or
 - (3) The vegetation is within a developable remainder of a parcel that is separated by an undevelopable area or feature; or
 - (4) The vegetation is part of landscaping required pursuant to Chapter 1.108.
 - d. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.
3. On-site shade. The site, or a portion of the site for which the exemption is requested, is:
- a. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
 - b. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80 percent of the site, or the relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the county recorder binding the applicant to comply with this requirement. The City shall be made a party to any covenant or restriction created to enforce any provision of this chapter. The covenant or restriction shall not be amended without written City approval.
- E. Adjustments to Design Standard. The approval authority shall reduce the percentage of lots that must comply with Subsection 1.096.040.C to the minimum extent necessary if it finds the applicant has shown it would cause or is subject to 1 or more of the following conditions:

1. Adverse impacts on density and cost or amenities.
 - a. If the design standard in Subsection 1.096.040.C.1. is applied, either the resulting density is less than that proposed, or on-site development costs (e.g. grading, water, storm drainage and sanitary systems, and road) and solar related off-site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 1.096.040.C.1. would reduce density or increase per lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development:
 - (1) The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by the professional land surveyor or USGS or other officially recognized topographic information.
 - (2) There is a significant natural feature on the site, identified as such in the comprehensive plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
 - (3) Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
 - (4) An existing public easement or right of way prevents given streets or lots in the development from being oriented for solar access.
 - b. In the design standard in Subsection 1.096.040.C.1 applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 1.096.040.C.1. is relevant to whether a significant development amenity is lost or impaired.

Refer to amenities that qualify or to relevant comprehensive plan provisions or inventories.

2. Impacts of existing shade. The shadow pattern from non-exempt trees cover over at least 80 percent of the lot and at least 50 percent of the shadow pattern will remain after development of the lot. The applicant can show the shadow pattern using a scaled survey of non-exempt trees on the site or using an aerial photograph.
 - a. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area of feature; or they are part of landscaping required pursuant to Chapter 1.108; or they do not need to be removed for a driveway or other development.
 - b. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the county recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.
- F. Protection from Future Shade. Structures and non-exempt vegetation must comply with the Solar Balance Point in Section 1.096.050 on all lots in a development subject to the Solar Access Chapter for New Development, including lots for which exemptions or adjustments to the Solar Access Chapter for New Development have been granted.

The applicant shall file a note on the plat or other documents in the office of the county recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section F. The City shall be made a part of any covenant or restriction created to enforce any provision of this chapter. The covenant or restriction shall not be amended without written City approval.
- G. Application. An application for approval of a development subject to this chapter shall include:
 1. Maps and text sufficient to show the development complies with the solar design standard of Subsection 1.096.050.C., except for lots for which an exemption or adjustment from Subsection 1.096.050.C. is requested, including all of the following items:
 - a. The north-south lot dimension and front lot line orientation of each proposed lot.
 - b. Protected solar building lines and relevant building site restrictions, if applicable.

- c. For the purpose of identifying trees exempt from Section F, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, including their height, diameter and species, and stating that they are to be retained and are exempt.
 - d. Copies of all private restrictions relating to solar access.
 - 2. If an exemption or adjustment to Section 1.096.050.C. is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsections 1.096.050.D or E shall also be required.
- H. Review Process. Compliance with Section 1.096.050 shall be determined by the approval authority in conjunction with an application for a subdivision (Chapter 1.170), or land partition (Chapter 1.172).

1.096.050 Solar Balance Point.

- A. Purpose. The purposes of this section are to promote the use of solar energy, to minimize shading of structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to this section are intended to be ministerial.
- B. Applicability. This section applies to an application for a building permit for all structures in all zones allowing single dwelling units, detached and duplexes and all single family detached and duplex structures in all other residential zones, except to the extent the approval authority finds the applicant has shown that 1 or more of the conditions listed in Subsections 1.096.050.E or F exists, and exemptions or adjustments provided for them are warranted. In addition, non-exempt vegetation planted on lots subject to the provisions of Subsection 1.096.040.F of the Solar Access Chapter for New Development shall comply with the shade point height standards as provided in Subsections 1.096.050.D and E.
- C. Solar Site Plan Required. An applicant for a building permit for a structure subject to this section shall submit a site plan that shows:
 - 1. The maximum shade point height allowed under Subsection 1.096.050.D;
 - 2. If the maximum shade point height is adjusted pursuant to Subsection 1.096.050.D.1.b., the average elevation of the rear property line; and
 - 3. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,

4. The solar balance point for the structure as provided in Subsection 1.096.050.H.
- D. Maximum Shade Point Height Standard. The height of the shade point shall comply with either Subsection 1 or 2 below.
1. Basic Requirement.
 - a. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary interpolate between the 5 foot dimensions listed in Table A.
$$H = \frac{(2 \times \text{SRL}) - N + 150}{A. \quad 5}$$

Where:

H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.
 - b. Provided, the maximum allowed height of the shade point may be increased 1 foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.
 2. Performance Option. The proposed structure, or applicable non-exempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with Subsection 1.096.040.C.2 or C.3 of the Solar Access Chapter for New Development. If Subsection 1.096.040.C.2, Protected Solar Building Line, is used, non-exempt trees and the shade point structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.
- E. Exemption from the Maximum Shade Point Height Standard. The approval authority shall exempt a proposed structure or non-exempt vegetation from Subsections

1.096.050.C and D if the applicant shows that 1 or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, sun charts or photographs, or other substantial evidence submitted by the applicant.

1. Exempt Lot. When created, the lot was subject to the Solar Access Chapter for New Development and was not subject to the provisions of Subsection 1.096.040.F.
2. Pre-existing shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by 1 of more of the following:
 - a. An existing or approved building or structure;
 - b. A topographical feature; or
 - c. Non-exempt vegetation will remain after development of the site. It is assumed that this vegetation will remain after development if it:
 - (1) Is situated in a building setback required by this code; or
 - (2) Is part of a developed area or landscaping required by Chapter 1.108, a public park or landscape strip, or legally reserved open space; or
 - (3) Is in a developable remainder of a parcel that is separated by an undevelopable area or feature; or
 - (4) Is on the applicant's property and not affected by the development; or
 - (5) A duly executed covenant is used to preserve trees causing such shade.
3. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.
4. Insignificant benefit. The proposed structure or non-exempt vegetation shades 1 or more of the following:
 - a. An undevelopable area;
 - b. The wall of an unheated space, such as a typical garage;

- c. An area without solar features; or
 - d. An undeveloped lot, other than a lot that was subject to the Solar Access Chapter for New Development, where:
 - (1) There are at least 4 single family detached or attached homes or duplexes within 250 feet of the lot within the same subdivision or a phase of the subdivision; and
 - (2) A majority of the homes identified in Subsection d.(i) above have no solar features.
 - 5. Public Improvement. The proposed structure is a publicly owned improvement.
- F. Adjustments to the Maximum Shade Point Height Standard. The approval authority shall increase the maximum permitted height of the shade point determined using Section 1.096.050 to the extent it finds the applicant has shown 1 or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.
- 1. Physical conditions. Physical conditions preclude development of the site in a manner that complies with Subsection 1.096.050.D, due to such things as lot size less than 3,000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right of way.
 - 2. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Subsection 1.096.050.H or be sited as near to the solar balance point as allowed by Subsection 1.096.050.H, if:
 - a. Siting the proposed structure to meet the maximum shade point height standard using Subsection 1.096.050.D would cause its solar feature(s) to potentially be shaded as determined using Subsection 1.096.050.G; and
 - b. The application includes a form provided for that purpose by the City that:
 - (1) Releases the applicant from complying with Subsection 1.096.050.D and agrees that the proposed structure may shade an area otherwise protected by Subsection 1.096.050.D;

- (2) Releases the City from liability for damages resulting from the adjustment; and
 - (3) Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Subsection 1.096.050.D.
- c. Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to Subsection 1.096.050.F.2., the applicant shall file the form provided for in Subsection 2.b. above in the Office of the County Recorder with the deeds to the affected properties.

G. Analysis of Allowed Shade on Solar Feature

1. An applicant may, but is not required to, perform the calculations in or comply with the standards of Subsection 1.096.050.G.
2. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
 - a. Existing structure(s) or non-exempt trees; or
 - b. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.
3. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
4. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 2 by using the following formula or Table B.

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where:

SFSH = the allowed shadow height on the solar feature (see Figure 8)

- SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Subsection 1.096.050.G.2.
- SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 7)

- 5. If the allowed shade height on the solar feature calculated in Subsection 4 is higher than the lowest height of the solar feature calculated in Subsection 3, the applicant shall be encouraged to consider changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.
- H. Solar Balance Point. If a structure does not comply with maximum shade point height standard in Subsection 1.096.050.D and the allowed shade on a solar feature standard in Subsection 1.096.050.G, then the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.
- I. Yard Setback Adjustment. The City shall grant an adjustment to the setback requirement(s) as indicated below if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 1.096.050.D., the allowed shade on a solar feature standard in Subsection 1.096.050.G., or the solar balance point standard in Subsection 1.096.050.H. as provided herein(see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this chapter.
 - 1. R-5 and AR Zones:
 - a. A front yard setback may be reduced to not less than 10 feet.
 - b. A rear yard setback may be reduced to not less than 10 feet.
 - c. A side yard setback may be reduced to not less than 3 feet and the aggregate must be the same as the zone.
 - d. Corner and through lot setbacks may be reduced to not less than 15 feet.
 - e. Setback to the front of a garage may be reduced to not less than 18 feet.

2. R-10 and R-7:
 - a. A front yard setback may be reduced to not less than 15 feet.
 - b. A rear yard setback may be reduced to not less than 10 feet.
 - c. A side yard setback may be reduced to not less than 3 feet.
 - d. Corner and through lot setbacks may be reduced to not less than 15 feet.
 - e. Setback to the front of a garage may be reduced to not less than 18 feet.

- J. Review Process. Compliance with Section 1.096.050 shall be determined by the Director in conjunction with an application for a building permit.

Chapter 1.098 ENVIRONMENTAL PERFORMANCE STANDARDS.

Sections:

- 1.098.010 Purpose.**
- 1.098.020 General Provisions.**
- 1.098.030 Noise.**
- 1.098.040 Visible Emissions.**
- 1.098.050 Vibration.**
- 1.098.060 Odors.**
- 1.098.070 Glare and Heat.**
- 1.098.080 Insects and Rodents.**

1.098.010 Purpose.

The purpose of this chapter is to apply certain federal and state environmental laws, rules, and regulations to development within the City of St. Helens.

1.098.020 General Provisions.

- A. In addition to the regulations adopted in this chapter, each use, activity, or operation within the City of St. Helens shall comply with the applicable state and federal standards pertaining to noise, odor, and discharge of matter into the atmosphere, ground, sewer system, or stream.
 - 1. Regulations adopted by the State Environmental Quality Commission pertaining to non-point source pollution control and contained in the Oregon Administrative Rules shall by this reference be made a part of this chapter.
- B. Prior to issuance of a building permit, the Director may require submission of evidence demonstrating compliance with state, federal, and local environmental regulations and receipt of necessary permits. Air Contaminant Discharge Permits (ACDP) or Indirect Source Construction Permits (ISCP).
- C. Compliance with state, federal, and local environmental regulations is the continuing obligation of the property owner and operator.

1.098.030 Noise.

For the purposes of noise regulation, the provisions of St. Helens Ordinance 2405, or successive ordinances governing noise, shall apply as the standard.

1.098.040 Visible Emissions.

Within the commercial and industrial park zoning districts, there shall be no use, operation, or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line except where permits have been obtained from the Department of Environmental Quality.

1.098.050 Vibration.

No vibration longer than 30 continuous seconds or a frequency of greater than once per hour other than that caused by highway vehicles, trains, and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

1.098.060 Odors.

The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

1.098.070 Glare and Heat.

- A. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, which is visible at the lot line shall be permitted, and:
1. There shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and
 2. These regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this code.

1.098.080 Insects and Rodents.

All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

Chapter 1.100 DENSITY COMPUTATIONS.

Sections:

- 1.100.010 Purpose.**
- 1.100.020 Density Calculation.**
- 1.100.030 Transfer of Residential Density.**

1.100.010 Purpose.

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

1.100.020 Density Calculation.

- A. Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property:
 - 1. All sensitive land areas:
 - a. Land within the 100-year floodplain;
 - b. Land or slopes exceeding 25 percent;
 - c. Drainageways;
 - d. Wetlands;
 - e. Fish and Wildlife habitats;
 - f. Archeological sites;
 - g. Federal or State protected areas for listed threatened or endangered species; and
 - h. Designated Open Space and Open Space-Design Review areas.
 - 2. All land dedicated to a public for park purposes;
 - 3. All land dedicated for public right of way;

- a. Single-dwelling units: allocate 20 percent of gross acres for public facilities; and
 - b. Multiple-dwelling units: allocate 15 percent of gross acres for public facilities.
4. All land proposed for private streets; and
 5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.
- B. To calculate the net units per acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot by the applicable zoning district.
- C. All density calculations shall comply with the provisions of Subsection 1.100.040, Residential Density Transition.
For example:
- | | |
|------|---|
| | 100.00 acres gross R-7 land |
| less | *38.23 acres (1 acre flood, 1 acre hazard, 3 acres drainage,
10 acres wetlands, 3 acres park, 20 acres
right of way, and .23 acre for existing house) |
| | _____ |
| | 61.77 acres net buildable land (6.22 du/acre = **384.21 du) |

1.100.030 Transfer of Residential Density.

- A. Units per acre calculated by subtracting land areas listed in Subsection 1.100.020.A.1. from the gross acres may be transferred to the remaining buildable land areas subject to the following limitations:
1. The number of units which can be transferred is limited to the number of units which would have been allowed on 25 percent of the unbuildable area if not for these regulations;
For example:
 $* 38.23 \times 25\% = 9.96$ acres
 $9.96 \text{ acres} \times 6.22 \text{ dwelling units/acre} = 59.45 \text{ dwelling units}$
 $59.45 \text{ dwelling units} + **384.21 = 443.60 \text{ dwelling units/100 acres};$
 2. The number of units is limited to 25 percent of the total number of units which could have been constructed on the unbuildable area if not for these regulations; and

3. The total number of units per site does not exceed 125 percent of the maximum number of units per gross acre permitted for the applicable comprehensive plan designation (maximum 777.5 dwelling units per 100 acres).
- B. Units per acre calculated by subtracting land areas listed in Chapter 1.092 from the gross acres may be transferred to the remaining buildable land areas on land zoned AR subject to the following limitations:
1. The number of units which can be transferred is limited to the number of units which would have been allowed on the wetland area, if not for these regulations; and
 2. The total number of units per site does not exceed the maximum number of units per gross acre permitted for the applicable comprehensive plan designation.
- C. All density transfer development proposals shall comply with the development standards of the applicable underlying zoning district unless developed under the provisions of Chapter 1.180, Planned Development.

1.100.040 Residential Density Transition.

- A. Regardless of the allowed housing densities stated in Sections 1.080.050 through 1.080.160, or in Chapters 1.180, 1.100, or 1.102, any property within 100 feet of an established area shall not be developed at a residential housing density greater than 125 percent of the allowed density in the adjacent established area(s). For purposes of this limitation only, the allowed density is as specified in the comprehensive plan land use designation, not as in the zoning district. For example, the property within 100 feet of an established low density residential area (one to 5 dwellings per acre) shall not be developed at residential densities greater than 6.25 dwellings per acre ($6.25 = 5 \times 1.25$).
- B. Subsection A of this section shall not apply with regard to established areas that are separated from the proposed housing development by a collector road or by an arterial road.
- C. Subsection A of this section shall not apply where the actual density in the abutting established area exceeds the maximum density allowed under the land use plan map designation for the established area. The density transition still will not exceed 125 percent of the designated abutting established area density.

Chapter 1.102 MANUFACTURED/MOBILE HOME REGULATIONS.

Sections:

- 1.102.010 Purpose.**
- 1.102.020 Manufactured/Mobile Home Park Standards.**
- 1.102.030 Manufactured Homes on Individual Building Lots.**
- 1.102.040 Nonconforming Mobile Homes.**

1.102.010 Purpose.

The purpose of this chapter is to establish criteria for the placement of manufactured/mobile homes in mobile home park developments and manufactured homes on individual building lots within the City of St. Helens.

1.102.020 Manufactured/Mobile Home Park Standards.

- A. The design of the proposed manufactured/mobile home park shall be submitted for review in accordance with Chapter 1.128, Site Development Review, and 1.140, Conditional Use, where applicable.
- B. The design for the manufactured/mobile home park shall conform to all applicable state standards established by the State of Oregon, Department of Commerce mobile home park standards (ref. ORS 446).
- C. The manufactured/mobile home park shall:
 - 1. Have a minimum lot gross area of 1.0 acres;
 - 2. Have a minimum frontage of 100 feet;
 - 3. Have a minimum depth of 150 feet;
 - 4. Have a front and rear yard setback of 25 feet;
 - 5. Have a side yard setback of 10 feet, except on a corner lot the side yards shall be 25 feet;
 - 6. Have a minimum of 60 square feet of outdoor recreation area, suitably improved for recreational use, provided for each unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500 square feet;

7. Have landscaping equivalent to 20 percent of the manufactured/mobile home park area; and
 8. Be partially screened from the public right of way and adjacent residential areas by a combination of a sight obscuring fence, vegetation, berm, or any combination of the above as approved by the approval authority, except that within the required front yard any fence shall not exceed 3 feet in height.
- D. Evidence shall be provided that the park will be eligible for a certificate of sanitation required by state law.
 - E. Each site shall be adequately serviced by public facilities such as water supply, sewers, sidewalks, and improved streets.
 - F. Each unit shall be provided with a water, sewer, and electrical connection. The electrical connection shall provide for 110 and 220 volt service.
 - G. No manufactured/mobile home, accessory building, or other structure shall be closer than 10 feet from another mobile home, accessory building, or other garage/carport structure.
 - H. On any individual space no building shall be any closer than 20 feet from a street and no less than 10 feet from the rear of each space.
 - I. No structure shall exceed 25 feet in height.
 - J. Each manufactured/mobile home placed in a manufactured/mobile home park shall be inspected by the Building Official and shall meet the following standards:
 1. A state insignia indicating compliance with Oregon State Mobile Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction of equipment installation made after manufacture shall be displayed on each manufactured/mobile home;
 2. Each manufactured/mobile home shall be in good repair, notwithstanding deterioration which may have occurred due to misuse, neglect, accident, or other cause;
 3. Each manufactured/mobile home shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space; and
 4. Each manufactured/mobile home shall be installed under the provisions of the administrative rules adopted by the Director of Commerce and administered by the State Building Code Division.

5. Each manufactured/mobile home shall meet the standards of Section 1.102.030.
- K. Each vehicular way in a manufactured/mobile home park shall be named and marked with signs which are similar in appearance to those used to identify public streets, and:
 1. A map of the named vehicular ways shall be provided to the applicable fire district, the Police Department, and the Public Works Division.
- L. If a manufactured/mobile home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall provide:
 1. Water supply lines designed with fire hydrants which shall be provided within 500 feet of such space or structure; and
 2. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to City and the applicable water district standards.
- M. Each manufactured/mobile home space in a manufactured/mobile home park shall have a minimum of 5,000 square feet of area.
- N. The wheels, tongue, and traveling lights of each manufactured/mobile home in a manufactured/mobile home park or subdivision shall be removed upon installation of unit.
- O. For each 3 manufactured home spaces, 1 additional parking space must be provided for residents' recreational and other type vehicles.
- P. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
- Q. Accessways or driveways shall be lighted in accordance with City standards.
- R. Primary access to the manufactured/mobile home park shall be from a public street and shall be in accordance with Chapter 1.116, Access, Egress, and Circulation, and:
 1. Where necessary, additional street right of way shall be dedicated to the City to maintain adequate traffic circulation;
 2. Access driveways connecting units to a public street shall have a width of not less than 36 feet, of which not less than 20 feet shall be paved; and

3. Driveways shall be designed to provide for all maneuvering and parking of units without encroaching on a public street.
- S. The maximum number of manufactured/mobile homes in the park or subdivision shall not exceed the amount calculated in Chapter 1.100.
- T. Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require the dedication of sufficient open land area for a greenway adjoining and within the floodplain.

1.102.030 Manufactured Homes on Individual Building Lots.

- A. The establishment, location, and use of manufactured homes as scattered site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential uses in the district, and provided such homes shall meet the following requirements and limitations:
 1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet;
 2. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located not more than 12 inches above grade (except on sloped lots);
 3. The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the State Building Codes Agency for Manufactured Structures;
 4. The manufactured home shall have a pitched roof with a slope of at least 3 feet in height for each 12 feet in width;
 5. The manufactured home shall have exterior siding and roofing which in material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city as determined by the Building Division. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants, and restrictions of any homeowner's or other association;
 6. The manufactured home shall have an exterior thermal envelope in substantial compliance with performance standards equivalent to the performance standards required of single-family dwellings constructed under the state

building code as defined in ORS 455.010, as determined by the Building Division; and

7. Have minimum of 2 on-site parking spaces.

1.102.040 Nonconforming Mobile Homes.

- A. Mobile home parks existing at the adoption of the ordinance codified in this code not meeting the standards set forth in this code shall be considered nonconforming and are subject to the standards set forth in Subsection 1.142.040.B.
- B. Replacement of nonconforming mobile homes in such parks when they are moved or destroyed must conform with the standards of Section 1.102.030.

**Chapter 1.104 ADDITIONAL YARD SETBACK REQUIREMENTS AND
EXCEPTIONS.**

Sections:

- 1.104.010 Purpose.**
- 1.104.020 Additional Setback from Centerline Required.**
- 1.104.030 No Yard Required: Structure Not on Property Line.**
- 1.104.040 Exceptions to Yard Requirements.**
- 1.104.050 Projections into Required Yards.**

1.104.010 Purpose.

The purpose of this chapter is to permit or afford better light, air and vision clearance on more heavily traveled streets and on streets of substandard width, to make the location of structures compatible with the need for the eventual widening of streets by providing for additional yard setback distances, to ensure there is adequate distance between buildings on the site and to provide standards for projections into yard areas.

1.104.020 Additional Setback from Centerline Required.

- A. To ensure improved light, air, and sight distance and to protect the public health, safety, and welfare, structures in any zoning district which abut certain arterial and collector streets shall be set back a minimum distance from the centerline of the street.
- B. Where the street is not partially or fully improved, the measurement shall be made at right angles from the centerline or general extension of the street right of way:
 - 1. Arterial Streets:
 - a. The required setback distance for buildings on arterial streets is the setback distance required by the zoning district plus the following distances measured from the centerline of the street:

Additional Centerline Setback Requirement	
Major Arterial	
Highway 30	50 feet

Minor Arterials	Additional Centerline Setback Requirement
Achilles Road/Ross Road Bachelor Flat Road Columbia Blvd. Deer Island Road Gable Road Millard Road North 6 th Street Old Portland Road Pittsburg Road South Vernonia Road St. Helens Street Summit View Drive Sykes Road	30 feet

2. Collector Streets:

- a. The required setback distance for buildings on the following collector streets is the setback distance required by the zoning district plus 25 feet measured from the centerline of the street.

Including the following:

Sunset Boulevard	South 18th Street
North Vernonia Road	South 15th Street
Hankey Road	South 12th Street
Highway 30 Frontage Road	South 7th/8th Street
North Morse Rd./Firlok Pk. St.	South 4th Street
Matzen Street	South 1st Street
McNulty Way	Kaster Road
Industrial Way	Wyeth Street
Milton Way	West Street
Railroad Avenue	Oregon Street
Port Avenue	North 11th/12th Street
Plymouth Street	North 15th/16th Street

- C. The minimum yard requirement shall be increased in the event a yard abuts a street having a right of way width less than required by its functional classification on the City's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus ½ of the projected road width as shown on the transportation map.

- D. The minimum distance from the wall of any building (except fences or other structures allowed in this Code) to the centerline of an abutting street, however, shall not be less than 25 feet plus the yard required by the zone. This provision shall not apply to rights of way of 60 feet or greater in width.

1.104.030 No Yard Required: Structure Not on Property Line.

In zoning districts where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by a distance in accordance with the Uniform Building Code requirements.

1.104.040 Exceptions to Yard Requirements.

- A. If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. If there is a dwelling on 1 abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth $\frac{1}{2}$ way between the depth of the abutting lot and the required front yard depth.

1.104.050 Projections into Required Yards.

- A. Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than 3 feet.
- B. Fireplace chimneys may project into a required front, side, or rear yard not more than 3 feet provided the width of such yard is not reduced to less than 3 feet.
- C. Open porches, decks, or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than 3 feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.
- D. Unroofed landings and stairs may project into required front or rear yards only.
- E. No building or portion thereof, regardless of size, shall be placed closer than 3 feet to

Chapter 1.106 BUILDING HEIGHT LIMITATIONS: EXCEPTIONS.

Sections:

1.106.010 Projections Not Used for Human Habitation.

1.106.020 Building Height Exceptions.

1.106.030 Heights Allowed for Structures Other than Buildings.

1.106.010 Projections Not Used for Human Habitation.

Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles, and other similar objects not used for human occupancy, are not considered buildings.

1.106.020 Building Height Exceptions.

- A. Any building located in an industrial zone may be built to a maximum height of 75 feet, provided:
1. The total floor area of the building does not exceed 1½ the area of the site;
 2. The yard dimensions in each case are equal to at least ½ of the building height of the principal structure; and
 3. The structure is not abutting a residential zoning district.

1.106.040 Building Height Criteria for Scenic Resources.

- A. No new development over 1 story, or 15 feet in height, shall significantly obstruct views of the Columbia River on lots fronting on Strand Street, South Second Street, North and South First Street, River Street, and Riverside Drive.
- B. Notice and process for review of Subsection A above shall follow the same as for Site Design Review, Major, except for criteria and standards.
- C. "Significantly obstruct" shall normally mean restrict the ability of people to see the full view of the Columbia River by more than 50 percent. This shall apply to an accumulation of view from all living spaces with views at time of new development application.

- D. It shall be the responsibility of anyone having views to show or demonstrate how the new development will block their views prior to the completion of the comment period.
- E. It shall be the responsibility of the applicant to refute the comments from those with claims of “significant obstruction” of views within two weeks of notice of such comments.

Example: A house with views has five windows in rooms that are for living such as Family Room, Dining Room, Living Room, Breakfast Room, but not including Kitchens, Bathrooms, Closets, Laundry Rooms, etc. If only two windows are more than 50 percent obstructed based upon the view of a person 5 feet tall and 3 feet from the window, then the view is not considered “significantly obstructed” for this house.

Chapter 1.108 LANDSCAPING AND SCREENING.

Sections:

- 1.108.010 Purpose.**
- 1.108.015 Applicability: Approval Process.**
- 1.108.020 General Provisions.**
- 1.108.030 Street Trees.**
- 1.108.035 Location of Street Trees.**
- 1.108.040 Cut and Fill Around Existing Trees.**
- 1.108.050 Replacement of Street Trees.**
- 1.108.060 Exemptions.**
- 1.108.070 Buffering and Screening - General Provisions.**
- 1.108.080 Buffering/Screening Requirements.**
- 1.108.090 Setbacks for Fences or Walls.**
- 1.108.100 Height Restrictions.**
- 1.108.110 Screening: Special Provisions.**
- 1.108.120 Revegetation.**
- 1.108.130 Buffer Matrix.**

1.108.010 Purpose.

- A. The purpose of this chapter is to establish standards for landscaping, buffering, and screening of land use within St. Helens in order to enhance the aesthetic environmental quality of the City:
 - 1. By protecting existing street trees and requiring the planting of street trees in new developments;
 - 2. Through the use of plant materials as a unifying element;
 - 3. By using planting materials to define spaces and articulate the uses of specific areas; and
 - 4. By using trees and other landscaping materials to mitigate the efforts of the sun, wind, noise, and lack of privacy by the provision of buffering and screening.

1.108.015 Applicability: Approval Process.

- A. The provisions of this chapter shall apply to all development where landscaping is required by this Code including the construction of new structures (see Section

1.128.020, Remodeling of Existing Structures), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements, except as follows:

1. Single dwelling units and duplexes.
 2. Any use not requiring site design review or conditional use permits.
- B. Where the provisions of Chapter 1.128, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. The decision may be appealed as provided by Subsection 1.070.310.A.
- C. The applicant shall submit a site plan which includes:
1. Location of underground irrigation system sprinkler heads where applicable;
 2. Location and height of fences, buffers, and screenings;
 3. Location of terraces, decks, shelters, play areas, and common open spaces;
 4. Location, type, size, and species of existing and proposed plant materials; and
 5. A narrative which addresses:
 - a. Soil conditions; and
 - b. Erosion control measures that will be used.
- D. The approval standards are the applicable standards contained in this chapter.

1.108.020 General Provisions.

- A. Unless otherwise provided by the lease agreement, the owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.
- B. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:
1. It will not interfere with the maintenance or repair of any public utility;
 2. It will not restrict pedestrian or vehicular access; and

3. It will not constitute a traffic hazard because of reduced visibility.
- C. The installation of all landscaping shall be as follows:
1. All landscaping shall be installed according to accepted planting procedures;
 2. The plant materials shall be of high grade; and
 3. Landscaping shall be installed in accordance with the provisions of this code.
- D. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the Director such as the posting of a bond.
- E. Existing plant materials on a site shall be protected as much as possible:
1. The developer shall provide methods for the protection of existing plant material to remain during the construction process; and
 2. The plants to be saved shall be noted on the landscape plans (e.g. areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees).
- F. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights of way unless otherwise required for emergency conditions and the safety of the general public.
- G. The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance shall be less than that required for conventional development.
- H. No trees, shrubs, or plantings more than 18 inches in height shall be planted in the public right of way abutting roadways having no established curb and gutter.

1.108.030 Street Trees.

- A. All development projects fronting on a public, private street, or a private driveway more than 100 feet in length approved after the adoption of this code shall be required to plant street trees in accordance with the standards in Section 1.108.035.
- B. Certain trees can severely damage utilities, streets, and sidewalks or can cause personal injury. Approval of any planting list shall be subject to review by the Director. (List located at the end of this chapter.)

1.108.035 Location of Street Trees.

- A. Landscaping in the front and exterior side yards shall include trees with a minimum caliper of 2 inches at 4 feet in height as specified in the requirements stated in Subsection 1.108.035.B.
- B. The specific spacing of street trees by size of tree shall be as follows:
1. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) shall be spaced no greater than 20 feet apart;
 2. Medium sized trees (25 to 40 feet tall, 16 to 35 feet wide branching) shall be spaced no greater than 30 feet apart;
 3. Large trees (over 40 feet tall and more than 35 feet wide branching) shall be spaced no greater than 40 feet apart;
 4. Except for signalized intersections as provided in Subsection 1.108.060.C., trees shall not be planted closer than 20 feet from a street intersection, nor closer than 2 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles in order to maintain visual clearance;
 5. No new utility pole location shall be established closer than 5 feet to any existing street tree;
 6. Tree pits shall be located so as not to include services (water and gas meters, etc.), in the tree well;
 7. On-premises services (water and gas meters, etc.), shall not be installed within existing tree well areas;
 8. Street trees shall not be planted closer than 20 feet to light standards;
 9. New light standards shall not be positioned closer than 20 feet to existing street trees except when public safety dictates, then they may be positioned no closer than 10 feet;
 10. Trees shall be planted at least 2 feet from the face of the curb;
 11. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines; and
 12. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway:

- a. Space between the tree and the hard surface may be covered by a nonpermanent hard surface such as grates, bricks on sand, paver blocks, and cobblestones; and
 - b. Sidewalk cuts in concrete for tree planting shall be at least 4 by 4 feet to allow for air and water into the root area.
- C. Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 13 feet above local street, 15 feet above collector street, and 18 feet above arterial street roadway surfaces.

1.108.040 Cut and Fill Around Existing Trees.

- A. Existing trees may be used as street trees if no cutting or filling takes place within the dripline of the tree unless an exception is approved by the Director.
- B. An exception will be approved if:
 - 1. The ground within the dripline is altered merely for drainage purposes; and
 - 2. It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.

1.108.050 Replacement of Street Trees.

- A. Existing street trees removed by development projects or other construction shall be replaced by the developer with those types of trees approved by the Director.
- B. The replacement trees shall be of a size and species similar to the trees that are being removed unless lesser sized alternatives are approved by the Director.

1.108.060 Exemptions.

- A. Exemptions from the street tree requirements may be granted by the Director on a case-by-case basis.
- B. Exemptions shall be granted:
 - 1. If the location of a proposed tree would cause potential problems with existing utility lines;
 - 2. If the tree would cause visual clearance problems; or

3. If there is not adequate space in which to plant street trees.
- C. The Director may allow trees closer to specified intersections which are signaled, provided the provisions of Chapter 1.110, Visual Clearance, are satisfied.

1.108.070 Buffering and Screening—General Provisions.

- A. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.
- B. Buffering and Screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrix in this chapter. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening.
- C. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

1.108.080 Buffering and Screening Requirements.

- A. A buffer consists of an area within a required interior setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.
- B. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an accessway has been previously approved by the City.
- C. A fence, hedge, or wall, or any combination of such elements which are located in any yard is subject to the conditions and requirements of this section.
- D. The minimum improvements within a buffer area shall consist of the following:
1. At least 1 row of trees shall be planted. They shall be not less than 10 feet high for deciduous trees and 5 feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:

- a. Small or narrow stature trees, under 25 feet tall or less than 16 feet wide at maturity shall be spaced no further than 15 feet apart; and
 - b. Medium sized trees between 25 to 40 feet tall and with 16 to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart; and
 - c. Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, shall be spaced no greater than 30 feet apart.
2. In addition, at least 10 five-gallon shrubs or 20 one-gallon shrubs shall be planted for each 1000 square feet of required buffer area; and
 3. The remaining area shall be planted in lawn, groundcover, or spread with bark mulch.
- E. Where screening is required the following standards shall apply in addition to those required for buffering:
1. A hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a 4-foot continuous screen within 2 years of planting; or
 2. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen 6 feet in height within 2 years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulched; or
 3. A 5 foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen.
- F. Buffering and Screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 1.110.
- G. When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted 6 foot height at the discretion of the Director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval.
- H. Fences and Walls:
1. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Director;

2. Such fence or wall construction shall be in compliance with other City regulations; and
3. Chain link fences with slats shall qualify for screening. However, chainlink fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.

I. Hedges:

1. An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight obscuring fence where required subject to the height requirement in Subsections 1.108.090.B.1 and 2;
2. Such hedge or other dense landscaping shall be properly maintained and shall be replaced with another hedge, other dense evergreen landscaping, or a fence or wall when it ceases to serve the purpose of obscuring view; and
3. No hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall in a vision clearance area as set forth in Chapter 1.110.

1.108.090 Setbacks for Fences or Walls.

- A. No fence or wall shall be constructed which exceeds the standards in Subsection 1.108.090.B. except when the approval authority, as a condition of approval, allows that a fence or wall be constructed to a height greater than otherwise permitted in order to mitigate against potential adverse effects.
- B. Fences or walls:
 1. May not exceed 4 feet in height in a required front yard along local or collector streets or 6 feet in all other yards and, in all other cases, shall meet vision clearance area requirements (Chapter 1.110); and
 2. Are permitted up to 6 feet in height in front yards adjacent to any designated arterial or street. For any fence over 3 feet in height in the required front yard area, permission shall be subject to review of the location of the fence or wall.
 3. All fences or walls shall meet vision clearance area requirements (Chapter 1.110);
 4. All fences or walls greater than 6 feet in height shall be subject to building permit approval.

1.108.100 Height Restrictions.

- A. The prescribed heights of required fences, walls, or landscaping shall be measured from the actual adjoining level of finished grade, except that where parking, loading, storage, or similar areas are located above finished grade, the height of fences, walls, or landscaping required to screen such areas or space shall be measured from the level of such improvements.
- B. An earthen berm and fence or wall combination shall not exceed the 6-foot height limitation for screening.

1.108.110 Screening: Special Provisions.

- A. Screening of Parking and Loading Areas:
 - 1. Screening of parking for single and duplex attached and detached dwellings is not required.
 - 2. Screening of parking (larger than 3 spaces) and loading areas (larger than 400 square feet) is required. The specifications for this screening are as follows:
 - a. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls, and raised planters;
 - b. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right of way;
 - c. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;
 - d. Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed and on the basis of 1 tree for each 7 parking spaces in order to provide a canopy effect; and
 - e. The minimum dimension of the landscape islands shall be 3 feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.
- B. Screening of Service Facilities:
 - 1. Except for single dwelling units and duplexes, service facilities such as gas meters and air conditioners which would otherwise be visible from a public

street, customer or resident parking area, any public facility or any residential area, shall be screened from view by placement of a solid wood fence or masonry wall between 5 and 8 feet in height or evergreens already to correct height minimums. All refuse materials shall be contained within the screened area.

C. Screening of Swimming Pools:

1. All swimming pools shall be enclosed as required by Uniform Building Code.

D. Screening of Refuse Containers Required:

1. Except for 1 and 2 unit dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge.

E. Outdoor storage areas shall be landscaped and screened in accordance with Subsection 080.E.1 to 3.

F. The approval authority may, at their discretion, make variations from this rule when topography makes the screening rules unreasonable.

1.108.120 Revegetation.

A. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion after construction activities are completed.

B. Methods of Revegetation:

1. Acceptable methods of revegetation include hydromulching or the planting of rye grass, barley, or other seed with equivalent germination rates, and:
 - a. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than 4 pounds to each 1,000 square feet of land area;
 - b. Other revegetation methods offering equivalent protection may be approved by the approval authority;

- c. Plant materials are to be watered at intervals sufficient to ensure survival and growth; and
- d. The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

1.108.130 Buffer Matrix.

- A. The Buffer Matrix (Figure 13) shall be used in calculating widths of buffering and screening to be installed between proposed uses and abutting zoning districts.
- B. An application for a variance to the standards required in Figure 13, shall be processed in accordance with Chapter 1.144.

Chapter 1.110 VISUAL CLEARANCE AREAS.

Sections:

- 1.110.010 Purpose.**
- 1.110.015 Applicability of Provisions.**
- 1.110.020 Visual Clearance: Required.**
- 1.110.030 Computation: Non-Arterial Street and All Accessways.**
- 1.110.040 Exceptions.**
- 1.110.050 Computation: Arterial.**

1.110.010 Purpose.

The purpose of this chapter is to establish standards which will assure proper sight distances at intersections in order to reduce the hazard from vehicular turning movements.

1.110.015 Applicability of Provisions.

- A. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (See 1.128.020 a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. Where the provisions of Chapter 1.128, Site Development Review do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. No notice is required. The decision may be appealed as provided by 1.070.310.A.
- C. The applicant shall submit a site plan which includes:
 - 1. The location and height of all hedges, trees, plantings, fences or wall structures within the vision clearance area as computed in 1.110.030, .040, and .050; and
 - 2. The location of all access points, parking and circulation areas, loading areas and pedestrian walkways within the vision clearance area as computed in Section 1.110.030, .040, and .050.

1.110.020 Visual Clearance: Required.

- A. A visual clearance area shall be maintained on the corners of all property adjacent to the intersection of 2 streets, a street and a railroad, or a driveway providing access to a public or private street.
- B. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding 3 feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below 8 feet are removed.
- C. Where the crest of a hill or vertical curve conditions contribute to the obstruction of clear vision areas at a street or driveway intersection, hedges, plantings, fences, walls, wall structures and temporary or permanent obstructions shall be further reduced in height or eliminated to comply with the intent of the required clear vision area.

1.110.030 Computation: Non-Arterial Street and All Accessways.

A visual clearance area for all street intersections, street and accessway intersections, and street or accessway and railroad track intersections shall be that triangular area formed by the right of way or property lines along such lots and a straight line joining the right of way or property line at points which are 30 feet distance from the intersection of the right of way line and measured along such lines. (see figure above)

1.110.040 Exceptions.

Where a right of way is greater than what is required, the actual street, railroad, or driveway intersections may be used in lieu of the property lines for computing the visual clearance area.

1.110.050 Computation: Arterial.

On all designated arterial streets the visual clearance area shall not be less than 35 feet on each side of the intersection.

Chapter 1.114 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Sections:

- 1.114.010 Purpose.**
- 1.114.015 Applicability of Provisions.**
- 1.114.020 General Provisions.**
- 1.114.030 Minimum Off-Street Parking Requirements.**
- 1.114.040 Modification to Parking Requirements.**
- 1.114.050 Parking Dimension Standards.**
- 1.114.060 On-site Vehicle Stacking Areas Required for Drive-In Use.**
- 1.114.065 Storage in Front Yard.**
- 1.114.070 Loading/Unloading Driveways Required On-Site.**
- 1.114.080 Off-Street Loading Spaces.**
- 1.114.090 Off-Street Loading Dimensions.**

1.114.010 Purpose.

- A. The purpose of these regulations is to establish parking areas having adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on-site and at access points.
- B. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and employees, and to establish standards which will maintain the traffic carrying capacity of nearby streets.

1.114.015 Applicability of Provisions.

- A. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 1.128.020) and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. Where the provisions of Chapter 1.128, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. No notice is required. The decision may be appealed as provided by Subsection 1.070.310.A.
- C. The applicant shall submit a site plan which includes:
 - 1. The location of the structures on the property and on the adjoining property;

2. The delineation of individual parking and loading spaces and their dimensions;
3. The location of the circulation area necessary to serve the spaces;
4. The location of the access point(s) to streets, to accessways and to properties to be served;
5. The location of curb cuts;
6. The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;
7. The proposed grading and drainage plans; and
8. Specifications as to signs and bumper guards.

1.114.020 General Provisions.

A. Parking Dimensions:

1. The minimum dimensions for parking spaces are:
 - a. 8 feet 8 inches wide and 18 feet long for a standard space;
 - b. 8 feet wide and 15 feet long for a compact space; and
 - c. As required by applicable State of Oregon and federal standards for designated disabled person parking spaces.

B. Building Permit Conditions:

1. The provision and maintenance of off-street parking and loading spaces are the continuing obligations of the property owner:
 - a. No building or other permit shall be issued until plans are presented to the Director to show that property is and will remain available for exclusive use as off-street parking and loading space; and
 - b. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this code.

C. Parking Requirements for Unlisted Uses:

1. Upon application and payment of fees, the Director, as provided by Subsection 1.070.090.A, may rule that a use, not specifically listed, is a use similar to a listed use and that the same parking standards shall apply. No notice need be given. The decision may be appealed as provided by Subsection 1.070.310.A. The ruling on parking area requirements shall be based on findings that the following criteria are satisfied:
 - a. The use is similar to and of the same general type as a listed use;
 - b. The use has similar intensity, density, and off-site impact as the listed use; and
 - c. The use has similar impacts on the community facilities as the listed use.
- B. This section does not authorize the inclusion of a use in a zoning district where it is not listed, or a use which is specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zoning district; and
- C. The Director shall maintain a list of approved unlisted use parking requirements which shall have the same effect as an amendment to this chapter.

D. Existing and New Uses:

1. At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district, off-street parking spaces shall be as provided in accordance with Section 1.114.030; and:
 - a. In case of enlargement of a building or use of land existing on the date of adoption of this code, the number of additional parking and loading spaces required shall be based only on floor area or capacity of such enlargement; and
 - b. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if the elimination would result in less space than is specified in the standards of this section when applied to the entire use.

E. Change in Use:

1. When an existing structure is changed in use from one use to another use as listed in Section 1.114.030, and the parking requirements for each use are the same, no additional parking shall be required; and
 2. Where a change in use results in an intensification of use in terms of the number of parking spaces required, additional parking spaces shall be provided in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the more intensive use.
- F. Shared Parking in Commercial Districts:
1. Owners of 2 or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlap;
 2. Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases, or contracts to establish the joint use; and
 3. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this code thereafter apply to each separately.
- G. Visitor Parking in Multiple-Dwelling Unit Residential Districts:
1. Multi-dwelling units with more than 10 required parking spaces shall provide parking for the use of guests of residents (visitors) of the complex; and
 2. Visitor parking shall consist of 15 percent of the total required parking spaces and shall be centrally located within or evenly distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.
- H. Location of Required Parking:
1. Off-street parking spaces for single dwelling unit-detached, duplex dwellings and single dwelling-attached dwellings shall be located on the same lot with the dwelling; and
 2. Off-street parking lots for uses not listed above shall be located not further than 200 feet from the building or use they are required to serve, measured in a straight line from the building with the following exceptions:
 - a. Shared parking areas, as provided by Subsection 1.114.020.F for commercial uses which require more than 40 parking spaces may

provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the commercial building or use; and

- b. Industrial and manufacturing uses which require in excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the building.

I. Mixed Uses:

1. Where several uses occupy a single structure or parcel of land or a combination of uses are included in 1 business, the total off-street parking spaces and loading area is the sum of the requirements of the several uses, computed separately unless the peak hours of use do not overlap.

J. Choice of Parking Requirements:

1. When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greater number of parking spaces shall govern.

K. Availability of Parking Spaces:

1. Required parking spaces shall:
 - a. Be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only;
 - b. Not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use; and
 - c. Not be rented, leased, or assigned to any other person or organization.

L. Parking Lot Landscaping:

1. Parking lots shall be landscaped in accordance with the requirements in Chapter 1.108.

M. Designated Parking for the Handicapped:

1. All parking areas shall be provided with the required numbers and sizes of disabled person parking spaces as specified by applicable State of Oregon and federal standards. All disabled person parking spaces shall be signed and marked on the pavement as required by these standards.

N. Designated Parking for Compact Vehicles:

1. All parking spaces designated for compact vehicles shall be signed or labeled by painting on the parking space.

O. Bicycle Parking:

1. One lockable bicycle parking space shall be provided within a rack for the following:
 - a. 4 or more dwelling units in 1 building: 1 space per dwelling unit;
 - b. Commercial development: 10 percent of vehicular parking spaces;
 - c. Civic uses: 20 percent of vehicular parking spaces; and
 - d. Industrial development: 5 percent of vehicular parking spaces;
2. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures. Where possible, bicycle parking facilities shall be placed under cover. Bicycle parking areas shall not be located within parking aisles, landscape areas, or pedestrian ways; and
3. Residential complexes with less than 4 dwelling units do not need bicycle racks.

P. Lighting:

1. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to direct the light away from any adjacent residential district, and shall not create a hazard for drivers in public streets.

Q. Final Building Inspection:

1. Required parking spaces shall be completely improved to City standards and available for use at the time of the final building inspection.

R. Plan Building Permit Prerequisite:

1. A plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the request for a building permit or site development review permit in accordance with Subsection 1.128.180.A.11.

S. Measurement for Required Parking:

1. Unless otherwise specified, where square feet are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.
- T. Employees:
1. Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales, and distribution employees during the largest shift at peak season.
- U. Fractions:
1. Fractional space requirements shall be counted as a whole space.
- V. On-Street Parking:
1. Parking spaces in a public street or alley shall not be eligible as fulfilling any part of the parking requirement.
- W. Preferential Long Term Carpool/Vanpool Parking:
1. Parking lots providing in excess of 20 long term parking spaces shall provide preferential long term carpool and vanpool parking for employees, students, other regular visitors to the site. At least 5 percent of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking, other than disabled person parking spaces. Preferential carpool/vanpool parking spaces shall be full size parking spaces. Preferential carpool/vanpool spaces shall be clearly designated for use only by carpools or vanpools between 7:00 A.M. and 5:30 P.M.

1.114.030 Minimum Off-Street Parking Requirements.

Note: some use classifications listed below indicate additional bicycle parking requirements beyond the requirements of Subsection 1.114.020.P.

- A. Residential.
1. Auxiliary Dwelling - 1 space.
 2. Bed and Breakfast, Boarding House, Homestay - 1 space per bedroom.

3. Caretaker - 2 off-street spaces for each dwelling unit.
 4. Duplexes - 2 off-street spaces for each dwelling unit.
 5. Group care - 1 space per 3 residential beds plus 1 space for each employee on largest shift.
 6. Group residential - 1 space for each guest room plus 1 space for each employee on largest shift.
 7. Mobile home park - 2 off-street spaces for each dwelling unit.
 8. Multiple dwelling: (Also see Subsection 1.114.020.G)
 - a. Studio - 1 space for each unit.
 - b. 1 bedroom - 1.5 spaces for each unit.
 - c. More than 1 bedroom per unit - 2 spaces for each.
 9. Single dwelling units (attached or detached) - 2 off-street spaces for each dwelling unit.
- B. Civic.
1. Community parks and recreation - As required by facilities provided.
 2. Cultural exhibits and library - 1 space per 400 feet of gross feet area; 1.5 bicycle spaces per 1000 sq. ft.
 3. Children's day care - 5 spaces plus 1 space per classroom.
 4. Hospitals- 1-1/2 spaces per bed.
 5. Lodge, fraternal, and civic assembly - 1 space for every 4 fixed seats or every 8 feet of bench length or 1 space for every 100 square feet of floor area in the assembly area if there are no fixed seats.
 6. Long term care facility, nursing home - 1 space for every 4 rooms.
 7. Public agency administrative service - 1 space for every 350 square feet of service gross floor area.
 8. Public safety services - 1 space for every employee of the largest shift.

9. Religious assembly - 1 space for every 3 fixed seats or every 6 feet of bench length in the assembly area or every 50 square feet of floor space in the assembly area where there are no permanent seats, whichever is greater.
 10. Schools:
 - a. Preschool/kindergarten - 5 spaces plus 1 per classroom.
 - b. Elementary, junior high school or equivalent private or parochial school - 1.5 spaces for every employee, plus 1 space for 100 square of floor area in the auditorium or other assembly or 1 space for each 8 seats, whichever is greater; 6 bicycle spaces per classroom.
 - c. Senior high and equivalent private or parochial school - 1.5 spaces for each employee, plus 1 space for each 6 classroom seats, and 1 space for each 100 square feet of floor area or 1 space for each 8 seats in the auditorium or other assembly room, whichever is greater; 2 bicycle spaces per classroom.
 - d. Commuter-type college - 1 space for every full-time equivalent student; 4 bicycle spaces per classroom.
 - e. Resident-type college - 1 space for every 3 full-time equivalent students; 1 bicycle space for every 4 full-time equivalent students.
 - f. Commercial or business school - 1 space for every full-time equivalent student; 2 bicycle spaces per classroom.
 11. Transitional care facility - 1 space for every 4 occupants.
- C. Commercial.
1. Agricultural sales - 1 space per 400 square feet of gross floor area, but not less than 4 spaces for each establishment. (Including nurseries and greenhouses.)
 2. Agricultural services - 1 space per 400 square feet of gross floor area, but not less than 4 spaces for each establishment.
 3. Amusement enterprises - 1 space per 300 square feet of gross floor area, plus 1 space for every 2 employees, or 1 space per 3 seats if theater; 1 bicycle space for each 20 percent of vehicular parking spaces.
 4. Animal sales and/or services:
 - a. Auction - 1 space per 50 square feet of gross floor area.

- b. Grooming - 1 space per 400 square feet of gross floor area.
- c. Kennels - 1 space per employee.
- d. Veterinary - 1 space per 300 square feet of gross floor area.
5. Boat and/or marine equipment sales, service, storage, rental or repair - 1 space per 1,000 square feet of gross floor area, but not less than 4 spaces for each establishment.
6. Boat moorage facility - $\frac{1}{2}$ parking space per slip.
7. Building maintenance service - 1 space for each 500 square feet of gross floor area, but not less than 3 spaces for each establishment.
8. Bus/trainstation/terminals - 1 space per each employee on the largest shift plus spaces for visitors and long term.
9. Business equipment sales and service, business support services, communication services - 1 space per 350 square feet of gross floor area.
10. Construction sales and services - 1 space per 1,000 square feet of gross floor area.
11. Consumer repair services - 1 space per 500 square feet of gross floor area.
12. Convenience sales and personal services - 1 space per 400 square feet of gross floor area, but not less than 4 spaces per each establishment.
13. Eating and/or drinking establishments - 1 space per 50 square feet of establishment's dining area plus 1 space for every 2 employees.
14. Entertainment, Adult - 1 space per 2 seats.
15. Equipment (small) sales, rentals and repairs - 1 space per 500 square feet of gross floor area.
16. Explosive storage - 1 space for every employee on the largest shift or 1 space for each 1,500 square feet, whichever is larger.
17. Financial, insurance and real estate - 1 space per 350 square feet of gross floor area.

18. Food and beverage retail sales - 1 space per 200 square feet of gross floor area, plus 1 space for every 2 employees.
19. Funeral and interment services
 - a. Crematory and undertaking - 1 space per each 4 seats or 8 feet of bench length or 1 space per 60 square feet where there are no fixed seats.
 - b. Interring and cemeteries - Exempt.
20. Gasoline stations - 1 space for each employee on the largest shift.
21. General retail sales - 1 space for each 400 square feet of gross floor area, but not less than 4 spaces for each establishment.
22. Houseboat - 1 space per slip/connection facility.
23. Laundry service - 1 space per 500 square feet of gross floor area, but not less than 3 spaces for each establishment.
24. Medical and dental service - 1 space per 200 square feet of gross floor area.
25. Motor vehicle and equipment:
 - a. Cleaning- 1 space per 500 square feet of gross floor area
 - b. Fleet storage - 1 space per each employee on the largest shift or 1 space per 1500 square feet, whichever is larger.
 - c. Repairs: heavy and light equipment - 1 space per 500 square feet of gross floor area, but not less than 3 spaces for each establishment.
 - d. Sales, rental: farm equipment, heavy and light equipment - 1 space per 1,000 square feet of gross floor area, but not less than 4 spaces for each establishment.
 - e. Storage: nonoperating vehicles - 1 space for each employee on largest shift.
 - f. Storage: recreational vehicles and boats - 1 space for each employee on largest shift.

- g. Boat, trailer and/or recreational vehicle equipment sales, service and repairs - 1 space per 1,000 square feet of gross floor area, but not less than 4 spaces for each establishment.
- 26. Offices - 1 space for each 350 square feet of services gross floor space.
- 27. Participant sports and recreation:
 - a. Indoor - 1 space per 300 square feet of gross floor area.
 - b. Outdoor - 1 space per 100 square feet, plus 1 space for every 2 employees.
- 28. Personal service facilities - 1 space per 500 square feet of gross floor area.
- 29. Produce sales - 1 space per 200 square feet of retail space with a minimum of 4 spaces per business.
- 30. Research services or laboratories - 1 space for each employee on the largest shift or 1 space per 500 square feet, whichever is larger.
- 31. Retail sales: bulky merchandise (e.g. furniture, appliances) - 1 space for each 1000 square feet of gross floor area but not less than 10 spaces for each establishment.
- 32. Scrap operations and recycling center - 1 space per each employee, but not less than 5 spaces for each establishment.
- 33. Shopping centers/plazas - based upon highest possible use.
- 34. Spectator sports and entertainment - 1 space per 6 seats or 12 feet of bench length.
- 35. Studios - 1 space per employee plus 1 space per 350 square feet for retail sales areas.
- 36. Transient lodging and associated uses - 1 space for each room plus 1 space for each 2 employees on largest shift:
 - a. Restaurant/lounge—1 space per 100 sq. ft. of seating area
 - b. Banquet/meeting rooms—1 space per 200 sq. ft. of seating area
- 37. Travel trailer park - 1½ spaces per trailer pad.

D. Industrial.

1. Auction sales, services and repairs - 1 space for each employee on the largest shift and 1 space per 1,000 square feet of show area.
2. Hazardous waste collection/treatment, solid waste/trash transfer station - 1 space for each employee on the largest shift.
3. Manufacturing, production, processing and assembling - 1 space per employee of the largest shift.
4. Mini warehouse - 1 space for every 200 square feet of gross office floor area, plus 2 spaces for a caretaker residence.
5. Natural mineral resource development - 1 space for each employee on the largest shift.
6. Wholesaling, storage, and distribution - 1 space for each 1,000 square feet of gross floor area within warehouse (plus 1 space per 700 square feet of patron serving area and 1 space per 200 square feet of office area).
7. Wrecking yard - 1 space per employee on largest shift plus 1 space per 5000 square feet of storage area.

1.114.040 Modification to Parking Requirements.

- A. The provisions of this section as to number of spaces may be modified by the approval authority as follows:
1. Compact Car Spaces:
 - a. Up to 40 percent of the required parking spaces may be compact spaces.
 2. Group Care Residential Facilities, Group Residential and Residential Homes:
 - a. The approval authority may, upon request, allow a reduction in the number of required off-street parking spaces in housing developments for elderly or handicapped persons if such reduction is deemed appropriate after analysis of the size and location of the development, resident auto ownership, number of employees, possible future conversion to other residential uses. Notice of the decision shall be given as provided by Section 1.070.120 and the decision may be appealed as provided by Subsection 1.070.310.A.

3. Conversion of Existing Required Parking for Transit Supportive Facilities:
 - a. Applicability. This allowance applies to all uses where a minimum amount of parking is required and where the site is located adjacent to a street with existing or planned transit service.
 - b. Up to 10 percent of existing required parking spaces may be converted at a ratio of 1 parking space for each 100 square feet of transit facility.
 - c. Required elements:
 - (1) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop.
 - (2) A transit facility shall include a covered waiting or sitting area.

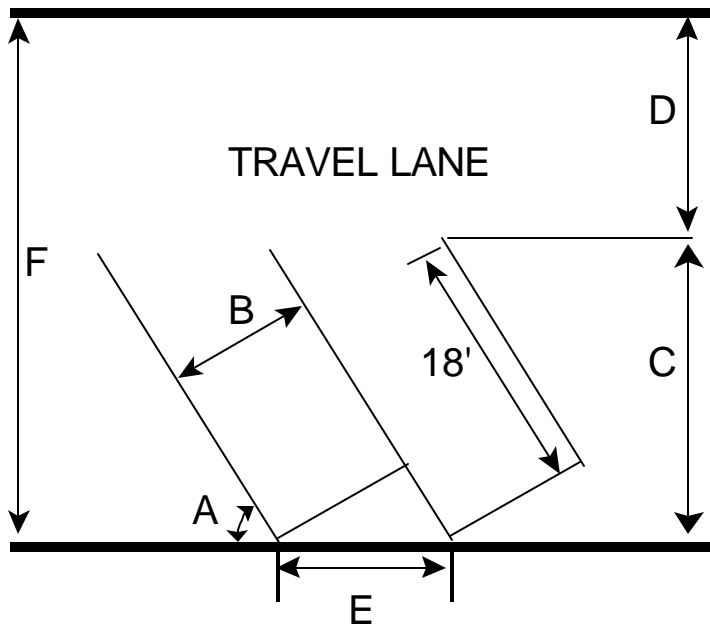
1.114.050 Parking Dimension Standards.

- A. Accessibility:
 1. Each parking space shall be accessible from a street or right of way, and the access shall be of a width and location as described by Sections 1.116.070 and 1.116.080.
- B. Table of Standards:
 1. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined from the Table of Standards for Parking Spaces, Figure 14, below;
 2. The width of each parking space does not include a stripe which separates each space.

TABLE OF STANDARDS FOR PARKING SPACES						Figure 14
A	B	C	D	E	F	
Parallel	8'0"	18'	12.0	22.0	20.0	
20°	8'0"	13.6	11.0	23.4	24.6	
	8'6"	14.1	11.0	24.9	25.1	
	9'0"	14.6	11.0	26.3	25.6	
	9'6"	15.1	11.0	27.8	26.1	
	10'0"	15.5	11.0	29.2	26.5	
30°	8'0"	16.0	11.0	16.0	27.0	
	8'6"	16.4	11.0	17.0	27.4	
	9'0"	16.8	11.0	18.0	27.8	
	9'6"	17.3	11.0	19.0	28.3	
	10'6"	17.7	11.0	20.0	28.7	
45°	8'0"	18.4	14.0	11.3	32.4	
	8'6"	18.7	13.5	12.0	32.2	
	9'0"	19.1	13.0	12.7	32.1	
	9'6"	19.4	13.0	13.4	32.4	
	10'0"	19.8	13.0	14.1	32.8	
60°	8'0"	19.7	19.0	9.2	38.7	
	8'6"	20.0	18.5	9.8	38.5	
	9'0"	20.3	18.0	10.4	38.3	
	9'5"	20.5	18.0	11.0	38.5	
	10'0"	20.8	18.0	11.5	38.8	
70°	8'0"	19.8	20.0	8.5	39.8	
	8'6"	20.1	19.5	9.0	39.6	
	9'0"	20.4	19.0	9.6	39.4	
	9'6"	20.6	18.5	10.1	39.1	
	10'0"	20.9	18.0	10.6	38.9	
80°	8'0"	19.2	25.0	8.1	44.2	
	8'6"	19.3	24.0	8.6	43.3	
	9'0"	19.4	24.0	9.1	43.4	
	9'6"	19.5	24.0	9.6	43.5	
	10'0"	19.6	24.0	10.2	43.6	

TABLE OF STANDARDS FOR PARKING SPACES						Figure 14
A	B	C	D	E	F	
90°	8'0"	18.0	26.0	8.0	44.0	
	8'6"	18.0	25.0	8.5	43.0	
	9'0"	18.0	24.0	9.0	42.0	
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	
Compacts:						
45°	7'6"	16.0	11.0	10.5	27.0	
60°	7'6"	16.7	14.0	8.6	30.7	
75°	7'6"	16.8	17.4	7.8	32.2	
90°	7'6"	15.0	20.0	7.5	35.0	

PARKING DIAGRAM



The above table provides the minimum dimensions of public or private parking areas, based on the diagram, where:

- “A” equals the parking angle,
- “B” equals the clear stall width,
- “C” equals the minimum stall depth,
- “D” equals the minimum clear aisle width,
- “E” equals the stall distance at bay side, and
- “F” equals the minimum clear bay width.

All parking facilities shall meet these minimum standards.

C. Aisle Width:

1. Aisles accommodating 2 direction traffic, or allowing access from both ends shall be a minimum of 24 feet in width.

D. Angle Parking:

1. Angle parking is permitted in accordance with Figure 14.

E. Structured Parking:

1. Vehicle height clearance for structured parking must be at least 7½ feet for the entry level (to accommodate vans and vanpool parking) and 6¾ feet for all other levels;
2. A warning bell or other signal must be provided for exits from parking structures that cross public sidewalks where a standard vision clearance area cannot be provided; and
3. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building.

F. Service Drive:

1. Excluding single dwelling units and duplex residences, except as provided by Section 1.116 and Subsection 1.184.030.P, groups of more than 2 parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right of way would be required; and
2. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

G. Street Access:

1. Each parking or loading space shall be accessible from a street and the access shall be of a width and location as described in this code.

H. Parking Space Configuration:

1. Parking space configuration, stall, and access aisle size shall be in accordance with the minimum standard.

I. Parking Space Markings:

1. Except for single dwelling units and duplexes, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked; and
2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

J. Parking and Load Area Surface Requirements:

1. Except for uses as authorized in Subsections 2 and 3 below, all areas used for the parking or storage or maneuvering of any vehicle, boat, or trailer shall be improved with asphalt or concrete surfaces or other similar type materials approved by the City.
2. Nonresidential parking areas to be used primarily for non-public uses such as employee parking, business vehicles, and construction equipment may be gravel surfaced when authorized by the approval authority at the time the site development approval is given. The Director may require that the property owner enter into an agreement to pave the parking area: a) within a specified period of time after establishment of the parking area; or b) if there is a change in the types or weights of vehicles utilizing the parking area; or c) if there is evidence of adverse effects upon adjacent roadways, water courses, or properties. Such an agreement shall be executed as a condition of approval of the plan to establish the gravel parking area. Gravel surfaced parking areas may only be permitted consistent with the following:
 - a. Gravel parking areas shall not be permitted within 20 feet of any residentially zoned area;
 - b. Gravel parking areas shall not be allowed within 25 feet of any improved public right of way;
 - c. A paved driveway of at least 25 feet in length shall connect a gravel parking area with any public street providing access to the gravel area; and
 - d. Gravel parking areas shall not be allowed within 50 feet of any significant wetland or riparian corridor.
3. Parking areas to be used in conjunction with a temporary use may be gravel when authorized by the approval authority at the time the permit is approved. The approval authority shall consider the following in determining whether or not the gravel parking is warranted:

- a. The request for consideration to allow a parking area in conjunction with the temporary use shall be made in writing concurrently with the Temporary Use application;
 - b. The applicant shall provide documentation that the type of temporary use requested will not be financially viable if the parking space surface area requirement is imposed; and
 - c. Approval of the gravel parking area will not create adverse conditions affecting safe ingress and egress when combined with other uses of the property.
4. Any area where harmful soil contamination could reasonably be expected shall be protected with appropriate surface cover and collection devices.

K. Access Drives:

1. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site;
2. The number and size of access drives shall be in accordance with the requirements of Chapter 1.116, Access, Egress, and Circulation;
3. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;
4. Access drives shall have a minimum vision clearance as provided in Chapter 1.110, Visual Clearance;
5. Access drives shall normally be improved with an asphalt or concrete surface or other similar type material approved by the City; and
6. Where more public harm would occur than good, the Director can waive some hard surface requirements on access drives.

L. Wheel Stops:

1. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least 4 inches high located 3 feet back from the front of the parking stall. The front 3 feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.

M. Drainage:

1. Hard surface off-street parking and loading areas shall be drained in accordance with specifications approved by the City Engineer to ensure that ponding does not occur:
 - a. Except for single dwelling units and duplexes, off-street parking and loading facilities shall be designed to avoid flow of water across public sidewalks.
 - b. In most cases oil/water separators will be required as part of a parking lot drainage system.

N. Lighting:

1. Artificial lighting on all off-street parking facilities shall be designed to direct all light away from surrounding residences and so as not to create a hazard to the public use of any road or street.

O. Signs:

1. Signs which are placed on parking lots shall be as prescribed in Chapter 1.122, Signs.

P. Maintenance of Parking Areas:

1. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

Q. Grade Separation Protection:

1. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.

1.114.060 On-site Vehicle Stacking Areas Required for Drive-In Use.

- A. All uses providing drive-in services as defined by this code shall provide on the same site an area for inbound vehicles as follows:

Use :	Reservoir Requirement :
Automated teller machines	50 feet/service terminal
Drive-in banks	150 feet/service terminal
Drive-in restaurants (espresso, fast food)	200 feet
Drive-in cleaners, repair services, pharmacies, etc.	50 feet
Drive-in theaters	200 feet
Drive-up telephones	50 feet
Gasoline service	75 feet between curb cut & nearest pump
Mechanical car washes	75 feet/washing unit
Parking Facilities: Attendant parking Free flow entry Manual ticket dispensing Ticket dispense entry	100 feet 25 feet/entry driveway 100 feet/entry driveway 50 feet/entry driveway

- B. The approval authority may, upon request, allow a reduction in the amount of vehicle stacking area if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available, etc.
- C. Stacking lanes must be designed so that they do not interfere with parking and vehicle, pedestrian and bicycle circulation. Stacking lanes for uses selling food must provide at least 1 clearly marked parking space per service window for the use of vehicles waiting for an order to be filled.

1.114.065 Storage in Front Yard.

- A. Boats, trailers, campers, camper bodies, travel trailers, recreation vehicles, or commercial vehicles in excess of ¾ ton capacity may be stored in a required front yard in a residential zone subject to the following:
 - 1. No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;

2. No such unit shall be used for any living purposes except that 1 camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives, or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in 1 calendar year, provided that such unit shall not be connected to any utility, other than temporary electricity hookups and provided that the host person shall receive no compensation for such occupancy or use; and
3. Any such unit parked in the front yard shall have current state license plates or registration and must be kept in mobile condition.

1.114.070 Loading/Unloading Driveways Required On-Site.

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other meeting place which is designed to accommodate more than 25 people at one time.

1.114.080 Off-Street Loading Spaces.

- A. Buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows:
 1. Every commercial or industrial use having floor area of 10,000 square feet or more, shall have at least 1 off-street loading space on site; and
 2. If loading dock is proposed, it must meet the standards in Section 1.114.090, Off-Street Loading Dimensions.

1.114.090 Off-Street Loading Dimensions.

- A. Each loading berth shall be approved by the City Engineer as to design and location.
- B. Each loading space shall have sufficient area for turning and maneuvering of vehicles on the site, and:
 1. At a minimum, the maneuvering length shall not be less than twice the overall length of the longest vehicle using the facility site.
- C. Entrances and exits for the loading areas shall be provided at locations approved by the City Engineer in accordance with Chapter 1.116.

- D. Screening for off-street loading facilities is required and shall be the same as screening for parking lots in accordance with Chapter 1.108.

Chapter 1.116 ACCESS, EGRESS, AND CIRCULATION.

Sections:

- 1.116.010 Purpose.**
- 1.116.020 Applicability and General Provisions.**
- 1.116.025 Applicability of Provisions.**
- 1.116.030 Joint Access.**
- 1.116.040 Public Street Access.**
- 1.116.050 Required Walkway Location.**
- 1.116.060 Inadequate or Hazardous Access.**
- 1.116.070 Minimum Requirements: Residential Use.**
- 1.116.080 Minimum Requirements: Commercial and Industrial Use.**
- 1.116.090 Width and Location of Curb Cuts.**
- 1.116.100 One-Way Vehicular Access Points.**
- 1.116.110 Director's Authority to Restrict Access.**
- 1.116.120 Variances to Access Standards.**
- 1.116.130 Administration and Approval Process.**
- 1.116.140 Expiration of Approval: Standards for Extension of Time.**
- 1.116.150 Approval Standards.**
- 1.116.160 Application Submission Requirements.**

1.116.010 Purpose.

The purpose of this chapter is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site.

1.116.020 Applicability and General Provisions.

- A. The requirements and standards of this chapter shall not apply where they conflict with the subdivision rules and standards of this code.
- B. The provisions and maintenance of access and egress stipulated in this code are continuing requirements for the use of any structure or parcel of real property in the City.
- C. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress, and circulation requirements are to be fulfilled.

- D. Should the owner or occupant of a lot or building change or enlarge the use to which the lot or building is put, thereby increasing access and egress requirements, it is unlawful and is a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met if required or until the appropriate approval authority has approved the change.

1.116.025 Applicability of Provisions.

- A. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 1.128.020), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. Where the provisions of Chapter 1.128, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. No notice is required. The decision may be appealed as provided by Subsection 1.070.
- C. The applicant shall submit a site plan which includes:
1. The location of the structures on the property and on the adjoining property;
 2. The location of parking and loading areas and their dimensions;
 3. The location of the circulation area necessary to serve the spaces;
 4. The location of the access point(s) on the site and on the adjoining properties and on both sides of abutting streets within 200 feet of the subject site;
 5. The location of curb cuts on adjoining properties and on the subject site;
 6. The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;
 7. The proposed grading and drainage plans; and
 8. Specifications as to signs.

1.116.030 Joint Access.

- A. Owners of 2 or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this code, provided:
 - 1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases, or contracts to establish the joint use; and
 - 2. Copies of the deeds, easements, leases, or contracts are placed on permanent file with the City.

1.116.040 Public Street Access.

- A. All vehicular access and egress as required in Sections 1.116.070 and 1.116.080 shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.
- B. Vehicular access to structures shall be provided to residential uses and shall be brought to within 50 feet of the ground floor entrance or the ground floor landing of a stairway, ramp, or elevator leading to the dwelling units.
- C. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances.

1.116.050 Required Walkway Location.

- A. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways should be constructed between a new development and neighboring developments.
- B. Within all attached housing and multi-unit developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.
- C. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a

minimum 6 inch vertical separation (curbed) or a minimum 3 foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of 4 feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

- D. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

1.116.060 Inadequate or Hazardous Access.

- A. Applications for building permits shall be referred to the Commission for review when, in the opinion of the Director, the access proposed:
1. Would cause or increase existing hazardous traffic conditions; or
 2. Would provide inadequate access for emergency vehicles; or
 3. Would in any other way cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
- B. Direct individual access to minor arterial streets from single detached or attached dwelling units and duplexes shall be discouraged. Direct access to major arterial streets shall be considered only if there is no practical alternative way to access the site.
- C. In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley or local street.

1.116.070 Minimum Requirements: Residential Use.

- A. Vehicular access and egress for single dwelling units, duplexes or attached single dwelling units on individual lots, residential use, shall not be less than the following:

RESIDENTIAL DWELLING USE			
			Figure 15
Number Dwelling Unit/Lots	Minimum Number of Driveways Required	Minimum Access Width	Minimum Pavement Width
1 or 2	1	15'	10'
3 to 6	1	25'	20'

- B. Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.
- C. Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus by 1 of the following:
 - 1. A circular, paved surface having a minimum turn radius measured from centerpoint to outside edge of 35 feet;
 - 2. A hammerhead-configured, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet; or
 - 3. The maximum cross slope of a required turnaround is 5 percent.
- D. Vehicle turnouts, (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet), may be required so as to reduce the need for excessive vehicular backing motions in situations where 2 vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.
- E. Where permitted, minimum width for driveway approaches to arterials or collector streets shall be no less than 20 feet so as to avoid traffic turning from the street having to wait for traffic exiting the site.
- F. Vehicular access and egress for multiple dwelling unit uses shall not be less than the following:

MULTI-DWELLING UNIT USE				Figure 16
Dwelling Units	Minimum Number of Driveways Required	Minimum Access Required	Minimum Pavement Sidewalks, Etc.	
3 to 19	1	30'	24' 15'	if two-way, if one-way; curbs & 5' walkway required
20 to 49	1 or 2	30'	24' 15'	if two-way, if one-way; curbs & 5' walkway required
50 to 100	2	30'	24'	curbs and 5' walkway required
over 100	2 plus 1 additional driveway to a public street for every 200 units or portion thereof in excess of 100 units			

1.116.080 Minimum Requirements: Commercial and Industrial Use.

- A. Vehicle access, egress and circulation for commercial and industrial use shall not be less than the following:

COMMERCIAL AND INDUSTRIAL USE				Figure 17
Required Parking Spaces	Minimum Number of Driveways Required	Minimum Access Width	Minimum Pavement	
0 to 100	1	30'	24'	curbs required
over 100	2	30'	24'	curbs required
over 100	1	50'	40'	curbs required

- B. Additional requirements for truck traffic may be placed as conditions of site development review.

1.116.090 Width and Location of Curb Cuts.

Curb cuts shall be in accordance with Subsection 1.184.030.N.

1.116.100 One-Way Vehicular Access Points.

Where a proposed parking facility indicates only 1-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.

1.116.110 Director's Authority to Restrict Access.

- A. In order to provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
1. Cause or increase existing hazardous traffic conditions; or
 2. Provide inadequate access for emergency vehicles; or
 3. Cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
- B. In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections.
- C. In order to facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses.
- D. A decision by the Director may be appealed to the Commission as provided by Subsection 1.070.310.A, Procedures for Decision Making: Quasi-Judicial.

1.116.120 Variances to Access Standards.

In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant a variance to the access requirements of this chapter based on the standards set forth in Section 1.116.150.

1.116.130 Administration and Approval Process.

- A. The applicant for an access variance shall be the recorded owner of the affected property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required.
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for not more than 6 months:
 - 1. Another pre-application conference is required if an application is submitted 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standard, criteria, or requirements of the applications.
- D. The Director shall approve, approve with conditions, or deny any application for an access variance. The Director shall apply the standards set forth in Section 1.116.150 when reviewing an application for an access variance.
- E. The decision of the Director may be appealed in accordance with Subsection 1.070.310.A.
- F. The Director shall mail notice of the decision to the persons who are entitled to notice in accordance with Section 1.070.120.

1.116.140 Expiration of Approval: Standards for Extension of Time.

- A. An access variance approval by the Director shall lapse if:
 - 1. Substantial construction of the approved plan has not begun within a 1½-year period; or
 - 2. Construction of the site is a departure from the approved plan.
- B. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year, provided that:
 - 1. No changes are made on the original access variance plan as approved by the Director;

2. The applicant can show positive steps have been taken to initiate construction of the site within the 1 year extension period; and
 3. There have been no substantial changes in the facts or applicable policies and ordinance provisions on which the approval was based.
- C. The decision of the Director may be appealed as provided by Subsection 1.070.310.A. No notice of the Director's decision need be given.

1.116.150 Approval Standards.

- A. The Director may approve, approve with conditions, or deny a request for an access variance based on findings that:
1. It is not possible to share access;
 2. There are no other alternative access points on the street in question or from another street;
 3. The access separation requirements cannot be met;
 4. The request is the minimum variance required to provide adequate access;
 5. The approved access or access approved with conditions will result in a safe access; and
 6. The visual clearance requirements of Chapter 1.110 will be met.

1.116.160 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
1. Copies of site plan(s) (number to be determined at the pre-application conference), and necessary data or narrative which explains how the access variance proposal conforms to the standards:
 - a. The site plan(s) drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches; and
 - b. The scale shall be an engineering scale.
 2. The required fee.

- B. The proposed access variance site plan shall include the following information:
1. The section, township, range ,and tax lot number;
 2. The relationship of the lot to the road system;
 3. The location of access points on adjoining lots and on the lots across the street;
 4. The location and setback of structures and parking areas on the lot and on the adjoining lots;
 5. The location of the proposed access;
 6. The sight distances from the proposed access point; and
 7. Other information as may be deemed necessary by the Director to evaluate the request.

Chapter 1.122 SIGNS.

Sections:

- 1.122.010 Purpose.**
- 1.122.012 Effective Date of this Chapter.**
- 1.122.015 Definitions.**
- 1.122.020 Permits Required.**
- 1.122.030 Administration and Approval Process.**
- 1.122.035 Sign Permit Application Requirements.**
- 1.122.040 Expiration of Approval: Standards for Extension of Time.**
- 1.122.050 Inspections.**
- 1.122.060 Sign Exemptions.**
- 1.122.070 Certain Signs Prohibited.**
- 1.122.080 Sign Illumination.**
- 1.122.085 Sign Measurement.**
- 1.122.090 Special Condition Signs.**
- 1.122.100 Temporary Signs.**
- 1.122.110 Nonconforming Signs.**
- 1.122.120 Sign Removal Provisions: Nonconforming and Abandoned Signs.**
- 1.122.130 Zoning District Regulations.**
- 1.122.140 Sign Code Exceptions.**
- 1.122.145 Approval Criteria for Exceptions to the Sign Code.**
- 1.122.148 Criteria for Approval of an Administrative Exception.**
- 1.122.150 Sign Code Exception Application Submission Requirements.**

1.122.010 Purpose.

A. The purpose of this chapter is:

1. To protect the health, safety, property, and welfare of the public;
2. To improve the neat, clean, orderly, and attractive appearance of the community;
3. To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;
4. To provide for safe construction, location, erection, and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and

6. To minimize adverse visual safety factors to public highway travelers.
- B. In addition, it is the purpose of this chapter to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of all signs visible from public property or from public rights-of-way.
- C. It is not the purpose of this chapter to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance, or state or federal law.
- D. This chapter adopts by reference the provisions of the Oregon Motorist Information Act, ORS Chapter 377.

1.122.012 Effective Date of this Chapter.

All references made in this chapter to the effective date of this chapter shall mean the effective date of the ordinance passed adopting this Code, unless otherwise specifically stated in an ordinance revision.

1.122.015 Definitions.

- A. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, "shall" is mandatory and not Directory, and "building" includes "structures" except "sign structures."
- B. As used in this code, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter.
- C. The definitions to be used in this chapter are in addition to Chapter 1.040, Definitions, and are as follows:
 1. "A" Board Sign: Any double face temporary rigid sign.
 2. Abandoned Sign: A structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days.
 3. Area: See Section 1.122.085 for definition of sign area.
 4. Awning Sign: A wall sign incorporated into or attached to an awning.
 5. Balloon: See definition under Temporary Sign, Section 1.122.100.

6. Banner: See definition under Temporary Sign, Section 1.122.100.
7. Bench Sign: A bench designed to seat people which carries a written or graphic message.
8. Billboard: Same as Outdoor Advertising (see ORS 377.710).
9. Billboard Structure: The structural framework which supports a billboard.
10. Building Official: Officer or designee of the City empowered to enforce the Uniform Building Code.
11. Business: All of the activities carried on by the same legal entity on the same premises and includes eleemosynary, fraternal, religious, educational, or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations, or joint stock companies.
12. Construct: Every type of display in the form of letters, figures, characters, representations.
13. Cutout: Every type of display in the form of letters, figures, characters, representations or others in cutout or irregular form attached to or superimposed upon a sign or advertising sign.
14. Development Review: The site development review process set forth in Chapters 1.128 or 1.140 or 1.180.
15. Directional Sign: A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.
16. Display Surface: The area made available by the sign structure for the purpose of displaying the advertising or identification message.
17. Electrical Sign: Includes any sign utilizing electrical wiring.
18. Electronic Information Sign: Includes signs, displays, devices or portions thereof with lighted changing messages that change at intermittent intervals, each lasting more than 2 seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving, or moving signs. Also known as an automatic changeable copy sign or electronic variable message center.

19. Face of a Building: All windows and wall areas of a building in 1 or more parallel planes.
20. Flashing Sign: Any sign which is illuminated by an intermittent or sequential flashing light source whose interval is 2 seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source.
21. Flush Pitched "Roof" Sign: A sign attached to a mansard or similar type of vertically aligned roof. See Subsection 1.122.090.G.
22. Freestanding Sign: A sign erected and mounted on a freestanding frame, mast or pole and not attached to any building.
23. Frontage: The length of the property line of any 1 premises along a public roadway.
24. Housing Complex: A grouping of single-family attached residential units or duplex multi-dwelling residential units.
25. Immediate or Serious Danger:
 - a. Whenever any portion of the structure is damaged by fire, earthquake, wind, flood, or other causes; and any member or appurtenance is likely to fail, become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - b. Whenever any portion of the structure is not of sufficient strength or stability or is not so anchored, attached or fastened in place as to be capable of resisting a wind pressure of $\frac{1}{2}$ of that specified in the Uniform Building Code for this type structure or similar structure, and will not exceed the working stresses permitted in the Uniform Building Code for such structures; and
 - c. Whenever the location of the sign structure obstructs the view of motorists traveling on the public streets or private property, and thus causes damage to property or thereby injures persons.
26. Industrial Park: A parcel of land which complies with the requirements set forth in Section 1.080.130.
27. Lawn Sign: See definition under Temporary Sign, Section 1.122.100.
28. Lighting Methods:

- a. Direct - exposed lighting or neon tubes on the sign face;
 - b. Flashing - lights which blink on and off randomly or in sequence;
 - c. Indirect or External - the light source is separate from the sign face or cabinet and is directed so as to shine on the sign; and
 - d. Internal - the light source is concealed within the sign.
29. Maintenance: Normal care needed to keep a sign functional such as cleaning, oiling and changing, and repair of light bulbs and sign faces. Does not include structural alteration.
30. Nonconforming Sign: A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
31. Nonstructural Trim: The moldings, battens, caps, nailing strips and latticing, letters and walkways which are attached to a sign structure.
32. Off-Premise Sign: A sign which advertises, identifies, or conveys information about facilities, goods, products, services, activities, persons, or business not sold, manufactured, or distributed on or from the premises on which the sign is located (see Outdoor Advertising).
33. On-Premise Sign: A sign which advertises, identifies, or conveys information about the business, person, activity, goods, products or services found on the same premises where the sign is located.
34. Outdoor Advertising Sign: A sign which advertises: (a) Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; or (b) Facilities not located on the premises on which the sign is located.
35. Painted Wall Decorations: Displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting.
36. Painted Wall Highlights: Painted areas which highlight a building's architectural or structural features.
37. Painted Wall Sign: A sign applied to a building wall with paint and which has no sign structure.

38. Person: Individuals, corporations, associations, firms, partnerships, and joint stock companies; see Chapter 1.040.
39. Premises: 1 or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit.
40. Projecting Sign: A sign attached to a building other than a wall sign in which the sign face is not parallel to the wall. Such sign shall not project above the wall of the building to which it is attached, except where there is an existing parapet.
41. Projection: The distance by which a projecting sign extends from a building.
42. Public Sign: Signs legally erected for traffic or informational purposes by or on behalf of a government agency.
43. Readerboard Sign: Any sign with changeable copy or a message, except electronic information signs.
44. Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.
45. Roof Sign: A sign erected fully upon or directly above a roof line or parapet of a building or structure. Exceptions: Approved temporary balloons, signs attached to existing architectural features and flush mounted "roof" signs.
46. Rotating, Revolving or Moving Sign: Any sign, or portion of a sign, which moves in any manner.
47. Shopping Center: Developments of not less than 8 business units.
48. Shopping Plaza: Developments of between 2 and 7 business units.
49. Sign: Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right of way, another property or from the air.
50. Sign Structure: Any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building.
51. Structural Alteration: Modification of the size, shape, or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

52. Surface Street: A street which does not have limited access and which is not a freeway or expressway.
53. Temporary Sign: Any sign, "A" board frame, banner, lawn sign, or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or building:
 - a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children's balloons, hot and cold air balloons, blimps and other dirigibles. See Subsection 1.122.090.C.;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework; and
 - c. Lawn Sign - a freestanding sign in residential zones which is exempt from sign permit requirements provided the size requirements in Subsection 1.122.060.A.1. can be met.
54. Tenant Sign: A sign placed in control of a current tenant or property owner.
55. Uniform Building Code: The most recent structural and specialty Oregon Uniform Building Code as adopted by the Oregon Department of Commerce, and which Uniform Building Code, by this reference, is incorporated in this code to the extent of specific citations thereof in this code or other City Ordinances.
56. Video sign: Any animated sign with story line or message being no less than 2 seconds in length and video pictures to be no less than 12 seconds minimum in length.
57. Wall Sign: Any sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

1.122.020 Permits Required.

- A. No sign or sign structure shall hereafter be erected, re-erected, constructed, structurally altered or relocated within the City limits except as provided by this code, and a permit for the same sign or sign structure has been issued by the Director.
- B. A separate permit shall be required for each sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure.

- C. Separate structural permits under the Uniform Building Code shall also apply.
- D. An electrical permit shall be obtained for all illuminated signs, from the enforcing agency subject to the provisions of the State Electrical Code.
- E. The Director may require application for sign permits for all signage at a given address if no existing permits previously had been approved or documented.

1.122.030 Administration and Approval Process.

- A. The applicant for sign permit proposals, sign code exceptions, administrative variances, or exceptions shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required for sign code exception and administrative variance applications. (See Section 1.070.040.)
- C. Due to possible changes in State statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for not more than 6 months:
 - 1. Another pre-application conference is required if any sign permit or structure application is submitted 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications.
- D. The Director shall approve, approve with conditions, or deny any application for a sign permit. The Director shall apply the standards set forth in this chapter when reviewing an application for a sign.
- E. The decision of the Director may be appealed in accordance with Subsection 1.070.310.A. The following shall qualify to have standing as a party:
 - 1. Any person who has been ordered by the Director to remove a sign, alleged to be in violation of this chapter;
 - 2. Any person whose permit to erect or alter a sign has been refused or revoked under this chapter;
 - 3. Any person seeking an exception from the provisions of this chapter;

4. Any person adversely affected by a determination of nonconformity by the Director under Section 1.122.110; and
 5. Any person otherwise adversely affected by a determination made under this chapter.
- F. No hearing before the review board shall be granted from a decision by the Director unless the appeal is properly filed no later than the date stated in the notice/decision or 10 days if not stated in the notice/decision, whichever is the lesser. Ministerial decisions do not have an appeal period.
- G. Application for hearing shall not stay the action of the Director unless the applicant requests a stay and, after appropriate notice and hearings, the Director determines that specific public safety considerations outweigh the delay of the action for the hearing and review process.
- H. The Director is authorized and directed to enforce all of the provisions of this chapter:
1. All signs for which permits are required shall be inspected by the Director; and
 2. Upon presentation of proper credentials, the Director may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon the position by this chapter.
- I. Sign permit, sign code exception, and administrative variance fees will be set by resolution of the City Council.
- J. Application for administrative variances to this chapter shall be reviewed by the Planning Commission, according to the approval criteria contained in Section 1.144.050.

1.122.035 Sign Permit Application Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
1. 2 copies for review by the Director of the sign site plan(s) and 2 copies of the sign architectural plans:
 - a. The proposed sign site plan shall include the following information:
 - (1) The location of the proposed sign and all existing freestanding, wall or other external signs on the site;

- (2) The location of all existing and proposed buildings on the site;
 - (3) The location of all existing and proposed streets and rights-of-way, including names and widths;
 - (4) The location of all overhead power and utility lines located on the site;
 - (5) The distance of the sign to the nearest public right(s)-of-way;
 - (6) The address of the site where the sign will be located; and
 - (7) The name, address and phone number of the applicant;
- b. The proposed sign architectural plans shall include the following information:
- (1) The sign area dimensions;
 - (2) The materials and colors to be used;
 - (3) The height of the sign above the ground;
 - (4) The source and intensity of any illumination;
 - (5) Construction drawings indicating size of footings, anchorages and welds;
 - (6) The address of the site where the sign(s) will be located;
 - (7) The name, address, and phone number of the applicant; and
 - (8) For those cases where an existing sign is to be modified, the applicant for a sign permit shall provide documentation or verifiable proof of when a sign was erected and, wherever possible, shall submit a copy of the original sign permit;
- c. Proof of a current City business license;
- d. Proof of a U.L. or equivalent label subscriber number; and
- e. The required fee.

1.122.040 Expiration of Approval: Standards for Extension of Time.

- A. Sign permit approval by the Director shall be effective for a period of 90 days from the date of approval.
- B. The sign permit approval by the Director shall lapse if:
 - 1. Substantial construction of the approved plan has not begun within the 90 day period; or
 - 2. Construction on the site is a departure from the approved plan.
- C. The Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed 90 days provided that:
 - 1. No changes are made on the original sign permit plan as approved by the Director;
 - 2. The applicant can show intent of initiating construction of the sign within the 90 day extension period; and
 - 3. There have been no changes in the applicable policies and ordinance provisions and Uniform Building Code provisions on which the approval was based.

1.122.050 Inspections.

- A. General:
 - 1. All construction work for which a permit is required shall be subject to an inspection by the Building Official in accordance with the Uniform Building Code and this code:
 - a. A survey of the lot or proposed location for sign erection may be required by the Building Official to verify compliance of the structure with approved plans; and
 - b. Neither the Building Official nor the jurisdiction shall be liable for expense or other obligations entailed in the removal or replacement of any material required to allow inspection.
- B. Inspection Requests:
 - 1. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official

may require that every request for inspection be filed at least 1 working day before such inspection is desired.

C. Required Inspections:

1. Reinforcing steel or structural framework of any part of the proposed structure shall not be covered or concealed without first obtaining approval of the Building Official.

D. Foundation inspections shall be made after all required excavations, form work and bolt settings are completed and ready to receive concrete.

E. All anchorages shall be left exposed for inspection.

F. Electrical inspection shall be made by the agency issuing electrical permits.

G. Final Inspections:

1. Final inspection shall be called for by the applicant when all work is completed. This inspection shall cover all items required by the Building Official under State law or City ordinances such as the locations, landscaping if required, and general compliance with the approved plans and requirements of this code.

1.122.060 Sign Exemptions.

A. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection (B) below:

1. Lawn signs which do not exceed the maximum allowable area on 1 premise regardless of the number of signs as follows:
 - a. 24 square feet in total area with 6 feet per sign face allowed and 12 square feet per sign allowed.
2. Signs not oriented or intended to be legible from a right of way, other property, or from the air;
3. Signs inside a building, except for strobe lights visible from a right of way, other property or from the air;
4. Painted wall decorations;
5. Painted wall highlights;

6. Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction;
 7. Directional signs;
 8. Interior window signs;
 9. Nothing in this code shall prevent the erection, location or construction of directional signs on private property when such signs are solely designed to direct pedestrians or vehicular traffic while on the parcel of real property on which the signs are located. No sign permit or fee shall be required for such signs; and
 10. Nothing in this code shall prevent the erection, location or construction of signs on private property where such erection, construction or location is required by any law or ordinance, nor shall any public agency or utility be prohibited from erecting signs on private property when otherwise permitted. No sign permit or fee shall be required for such signs.
- B. All signs exempt from permit requirements under Subsection A above shall meet the following requirements:
1. The sign shall be erected on private property with the consent of the lawful possessor of the property and shall not be placed on utilitypoles or in the public right of way; and
 2. At least 1 sign shall be permitted per parcel of land; additional signs on such parcel shall be spaced at least 50 feet apart in residential zoning districts and 30 feet apart in nonresidential zoning districts.
- C. The sign permit provisions of this section shall not apply to repair, maintenance, or change of copy on the same sign (including, but not limited to the changing of a message on a sign specifically designed and permitted for the use of changeable copy), or unlawfully erected or maintained signs.

1.122.070 Certain Signs Prohibited.

A. Prohibited Display of Flags and Banners:

It is a violation of this chapter to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons, and similar devices of carnival character.
Exceptions:

1. National, state, and institutional flags properly displayed;
2. Signs and banners approved as temporary signs; and
3. Balloons as allowed in Subsection 1.122.090.C.

B. Unsafe Signs or Improperly Maintained Signs:

No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other requirements as specified in the Uniform Building Code or this code.

C. Signs at Intersections:

No sign shall be erected at intersections of any streets in such a manner as to materially obstruct free and clear vision. All signs shall be consistent with Chapter 1.110 of this code:

1. No sign shall be erected at any location where, by reason of the position, shape, or color, that interferes with, obstructs the view of, or could be confused with any authorized traffic signal or device; and
2. No sign shall be erected which makes use of the word "stop," "look," "danger," or any other similar word, phrase, symbol, or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.

D. Obscenity:

No sign shall bear or contain statements, words or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.

E. Traffic Obstructing Signs:

No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

F. Abandoned Signs:

1.122.015 says....

“A structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days.”

G. Bare Light Bulbs:

Strings of bare lights shall not be constructed, erected, or maintained within view of any private or public street or right of way except if designed as part of a structure's architectural design. This subsection shall not apply to lighting displays as described in Subsection 1.122.070.A.2.

H. Revolving Signs:

Revolving, rotating or moving signs of any kind are prohibited.

I. Flashing Signs:

A sign which displays flashing or intermittent or sequential light, or lights of changing degrees or intensity, with each interval in the cycle lasting 2 seconds or less. Exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights, or similar devices shall be prohibited.

J. Temporary Signs with Illumination or Changeable Copy:

A sign not permanently erected or affixed to any sign structure, sign tower or building which is an electrical or internally illuminated sign or a sign with changeable message characteristics is prohibited.

K. Right of way:

Signs in the public right of way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency are prohibited. No sign shall be placed in pedestrian or vehicle pathways so as to violate local, State or Federal laws.

L. Signs on a Vehicle:

Any sign placed on or painted on a motor vehicle or trailer, as defined by ORS Chapter 801, with the primary purpose of providing a sign not otherwise allowed for by this chapter is prohibited.

1.122.080 Sign Illumination.

- A. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperere fluorescent light sources spaced not closer than 8 inches, center on center.
- B. Any exposed incandescent lamp which exceeds 25 watts shall not be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right of way with the exception of electronic information signs.

1.122.085 Sign Measurement.

A. Projecting and Freestanding:

- 1. The area of a freestanding or projecting sign shall include all sign faces counted in calculating its area. Regardless of the number of sign cabinets or sign faces, the total allowable area shall not be exceeded.
- 2. The area of the sign shall be measured as follows if the sign is composed of 1 or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written advertising copy, symbols, or logos on such embellishments;
 - b. If the sign is composed of more than 2 sign cabinets, sign facias or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of the sign measurement if they do not bear written advertising copy, symbols or logos; and
 - c. The overall height of a freestanding sign or sign structure is measured from the average grade within a 10 foot radius directly below the sign to the highest point of the sign or sign structure and shall include architectural and structural embellishments.

B. Wall Signs:

- 1. The area of the sign shall be measured as follows:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such

as pole covers, framing, decorative roofing, etc., provided there is no written advertising copy, symbols or logos on such embellishments;

- b. If the sign is composed of individual letters or symbols using the wall as the background with or without added decoration, the total sign area shall be calculated by measuring the area within the perimeter of all symbols and letters or other decoration including logos;
- c. Measurement of the wall area pertaining to flush pitched "roof" signs shall be calculated as if the sign were mounted directly on the wall face immediately below the sign; and
- d. Measurement of the wall area pertaining to awning or canopy signs shall be calculated to include the vertical surface of the awning or canopy on which the sign is to be mounted and the wall surface of the structure to which it is attached.

1.122.090 Special Condition Signs.

- A. Special condition signs shall have special or unique dimensional, locational, illumination, maximum number or other requirements imposed upon them in addition to the regulations contained in this chapter.
- B. Balloons:
 1. One inflatable, stationary balloon or 1 cluster of children's balloons firmly secured shall be allowed only if all of the following conditions are satisfied:
 - a. A City of St. Helens sign permit is obtained for each;
 - b. Each owner or legal occupant of property or a building shall be allowed 1 balloon per year;
 - c. A balloon sign shall be allowed to remain up for a period of no longer than 10 days per year;
 - d. A permit issued for a balloon will serve as 1 of the 3 sign permits allowed per business in a calendar year;
 - e. Balloons may be permitted as roof signs with a City sign permit;
 - f. The size of a balloon shall not exceed 25 feet in height; and

- (1) Electronic Advertising Center signs shall be permitted only in the HI, LI, HC, and GC zones;
- b. Height and Area:
 - (1) The maximum height and area of an electronic message center sign shall be that which is stipulated in Subsection 1.122.130.C;
- c. Locations Permitted:
 - (1) Electronic Advertising Centers shall be allowed to substitute for 1 freestanding sign or 1 wall sign; and
 - (2) No more than 1 Electronic Advertising Center sign, either freestanding or wall, shall be allowed per premises;
- d. Light Patterns:
 - (1) Traveling light patterns ("chaser effect") shall be prohibited; and
 - (2) Messages and animation shall be displayed at intervals of greater than 60 seconds in duration.
- E. Awning Signs:
 - 1. Zones Permitted:
 - a. Awning signs shall be permitted in all zoning districts;
 - 2. Height:
 - a. Awning signs (copy) may not extend above the upper surfaces of the awning structure. They may be hung below the awning if the sign clears the sidewalk by at least 8½ feet;
 - 3. Lighting:
 - a. Awning signs may be internally or externally illuminated; and
 - 4. Right of way:
 - a. Awning signs may extend into the public right of way 6½ feet or ~~b~~ of the distance to the roadway, whichever is less. However, no sign may extend within 2 feet of the roadway. State Highway Division approval shall be necessary for awning signs on state highways.

F. "A" Board Signs:

1. Only one sign per site and only on non-residential sites;
2. Each sign shall require a permit;
3. A sign cannot exceed 6 square feet per side or 12 square feet per sign or 3 feet in height;
4. A sign can only be placed on the site to which they are approved and only during daylight hours;
5. A sign can be placed on a public sidewalk when there is at least 8 feet between the building and the curb and when there remains at least 5 feet of free space for public passage on the sidewalk; and
6. A sign can be placed in the area between a public sidewalk and curb or in the space between the property line and the street edge when they will not interfere with rights of the public to park in the public right of way. Signs should not interfere with opening of vehicle doors or movement of persons from the vehicle to a sidewalk or remaining public right of way.

G. Flush Pitched or Mounted Roof Signs:

1. These signs shall be treated the same as wall signs; and
2. If the sign is painted on the roof, it shall be treated the same as painted wall decorations, highlights or signs when they have no structure other than the building or roof.

H. Construction Signs:

1. 4 x 8 foot maximum;
2. 12 foot maximum height;
3. Limited to time of construction;

I. Real Estate Signs:

1. 4 x 8 foot maximum;
2. 12 foot maximum height;

3. 6 months time limit;
4. Renew up to a maximum of 18 months.

1.122.100 Temporary Signs.

A. Authorization:

1. The Director shall be empowered to authorize temporary signs not exempted by Section 1.122.060. The Director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this code.

B. Issuance Authority:

1. The Director may issue temporary sign permits which shall terminate within 30 days from the date of issuance or a lesser time when so requested; and
2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the Director for 2 additional permit periods (30 days each) per calendar year.

C. Types and locations of temporary signs shall be as follows:

1. The total number of temporary signs per property shall not exceed the number of businesses legitimately located on the property at any single time period except for "A" board signs which can have an "A" board sign at each main entrance where they face or abut onto different streets and except for Lawn Signs;
2. The total area of a temporary sign shall not exceed 24 square feet and no more than 24 square feet per face; such signs are not permitted for single dwelling unit and duplex dwellings. The permitted area for a banner shall be no more than 36 square feet per face with the total sign area not to exceed 72 square feet;
3. Special event banners to be hung across public right of ways may be permitted by the City Administrator's designee; and
4. A balloon as provided in Subsection 1.122.090.C.

D. Location shall be as approved by the Director.

E. Attachment:

1. Temporary signs may not be permanently attached to the ground, buildings or other structures.

1.122.110 Nonconforming Signs.

- A. Except as provided in this chapter, signs in existence on the effective date of this Ordinance, in accordance with this Code, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs.
- B. Signs located on premises annexed into the City after the effective date of this Ordinance, which do not comply with the provisions of this chapter, shall be brought into compliance with this chapter.
- C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site when being brought up to a safe condition. Any part of a sign or sign structure undergoing normal maintenance shall be permitted without loss of nonconforming status.
- D. For purposes of this code, a sign face or message change shall be subject to the following provisions:
1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
 2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
 3. No sign permit shall be required for allowable sign face or message changes.
- E. Should a nonconforming sign or sign structure or nonconforming portion of structure be destroyed or repaired by any means to an extent of more than 50 percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this code.
- F. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags, banners, streamers, or strings of lights, (or temporary or

incidental signs); shall be made to conform within 90 days from the effective date of this chapter.

1.122.120 Sign Removal Provisions: Nonconforming and Abandoned Signs.

- A. All signs erected after the effective date of this code, which are in violation of any provisions of this ordinance, shall be removed or brought into conformance upon written notice by the Director.
- B. If the owner of sign, building, structure or premises fails to comply with the written order, the City may then cite the owner into court subject to Chapter 1.030, Enforcement. The following exceptions apply:
 - 1. Section 1.122.110, Nonconforming Signs, provides for certain other conditions for certain signs as described therein;
 - 2. Any sign that by its condition or location presents an immediate or serious danger to the public, by order of the Building Official, shall be removed or repaired within the time the Building Official may specify:
 - a. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the Building Official shall then have the dangerous sign removed and the owner cited for noncompliance and recovery of any damage or expense;
 - 3. Temporary Signs
 - a. All temporary signs shall be removed as provided in Subsection 1.122.100.B.1, or in the case of temporary balloons as provided in Subsection 1.122.090.C.3.
- C. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign and sign structure when the sign has been abandoned:
 - 1. If the person who owns or leases such sign fails to remove it as provided in this section, the Director shall give the owner of the building, structure, or premises upon which such sign is located, 60 days written notice to remove it;
 - 2. If the sign has not been removed at the expiration of the 60 days notice, the Director may remove such sign at cost to the owner of the building, structure or premises;

3. Signs which are in full compliance with City sign regulations, which the successor to a person's business agrees to maintain as provided in this chapter, need not be removed in accordance with this section; and
4. Costs incurred by the City due to removal, may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

1.122.130 Zoning District Regulations.

- A. No sign of any character shall be permitted in an R-10, R-7, R-5, or MHR zone except the following:
 1. Wall Sign(s):
 - a. May not exceed a combined total area of 4 square feet;
 2. Every housing complex shall be allowed 1 permanent freestanding sign at each entry point to the housing complex from the public right of way, with the site properly landscaped and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
 3. Every platted subdivision shall be allowed 1 permanent, freestanding sign at each entry point to the subdivision from the public right of way, with the site properly landscaped and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
 4. Nonresidential Signs:
 - a. One illuminated or non-illuminated freestanding sign not exceeding 12 feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process. Wall signs may not exceed 5 percent of the gross area of the wall face on which the sign is mounted; and
 - b. One sign as described in Subparagraph a. above for purposes of identifying the construction of each phase and not to exceed nine months for each phase and a sales sign not to exceed 12 months after the final plat is recorded for each phase.

5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. 1 sign with an area of 4 square feet per face shall be permitted per driveway. Said signs shall be consistent with Chapter 1.110, Visual Clearance Areas;
 6. Signs Exempt From Permit:
 - a. The signs specified in Subsection 1.122.060.A shall be allowed, subject to any restrictions imposed by this code;
 7. Temporary Signs in accordance with Sections 1.122.090 and 1.122.100.
 8. Lawn Signs in accordance with Subsections 1.122.09.
 9. Special Condition Signs in accordance with Section 1.122.090; and
 10. Additional Allowable Signs:
 - a. Awning sign(s) and painted wall sign(s).
- B. Multi-dwelling Unit Residential Zones:
1. No sign shall be permitted in an AR zone except for the following:
 - a. Wall Sign(s):
 - (1) May not exceed a combined total area of 1 square foot per dwelling unit and may not project from the wall face;
 - b. Every housing complex shall be allowed 1 permanent freestanding sign at each entry point to the housing complex from the public right of way, with the site properly landscaped and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
 - c. Every platted subdivision shall be allowed 1 permanent freestanding sign at each entry point to the subdivision from the public right of way, with the site properly landscaped and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;

- d. Nonresidential Signs:
 - (1) One illuminated or non-illuminated freestanding sign not exceeding 6 feet in height and 32 square feet in area per sign face permitted in a multi-dwelling unit residential zone, if such use has been approved under the site development review or conditional use process. Wall signs may not exceed 5 percent of the gross area of the wall face on which the sign is to be mounted;
 - (2) One sign as described in Subparagraph (1) above for purposes of identifying the construction of each phase and not to exceed nine months for each phase and a sales sign not to exceed 12 months after the final plat is recorded for each phase; and
 - (3) Rental sign can be placed at the entrance in the form of an "A" Board with the same requirements listed in Section 1.122.090.
- e. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. 1 sign with an area of 10 square feet per face shall be permitted per driveway. Said signs shall be consistent with Chapter 1.110, Visual Clearance Areas;
- f. Signs Exempt From Permit:
 - (1) The signs specified in Subsection 1.122.060.A. shall be allowed, subject to any restrictions imposed by this code;
- g. Temporary Signs in accordance with Sections 1.122.090 and 1.122.100;
- h. Lawn Signs in accordance with Subsections 1.122.060.A.6. and B.2.;
- i. Special Condition Signs in accordance with Section 1.122.090; and
- j. Additional Allowable Signs:
 - (1) Awning sign(s) and painted wall sign(s).

C. Mixed-Use Zone:

- 1. Signs on residential use lots shall conform to 1.122.130.B.
- 2. Signs on commercial use lots shall conform to 1.122.130.D.

D. Commercial Zones:

1. No sign shall be permitted in an HC, GC, or MC zone except for the following:

a. Freestanding Signs or Projecting Signs:

(1) Freestanding signs or projecting signs shall have certain limitations and conditions when permitted on properties zoned Commercial:

- (a) One multifaced, freestanding sign shall be permitted subject to conditions and limitations as stated herein; and
- (b) A readerboard assembly may be an integral part of the freestanding sign;

(2) Area Limits:

- (a) The maximum square footage of signs in the HC zone, west of Highway 30 with 100 or less linear feet frontage shall be 100 square feet per face or a total of 200 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right of way space;
- (b) The maximum square footage of signs in the HC zone, east of Highway 30 within 200 linear feet shall be 350 square feet per face or a total of 700 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right of way space; and
- (c) The maximum square footage of signs in the GC and MC zones shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right of way space;

(3) Area Limit Increases:

- (a) The sign area may be increased 1 square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point

which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 20 percent; and

- (b) The sign area may be increased 1 square foot for each 10 lineal feet of frontage over 100 feet on arterials, not to exceed a 20% increase regardless of the reasons;
- (4) Height Limits:
- (a) Freestanding signs or projecting signs located on the west side of Highway 30, in the HC zone shall not exceed 35 feet in height. Freestanding signs or projecting signs located on the east side of Highway 30, in the HC zone shall not exceed 45 feet in height;
 - (b) Freestanding signs or projecting signs located in the GC and MC zones shall not exceed 20 feet in height. Height may be increased 1 foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 45 feet in height;
- b. Wall Signs:
- (1) Allowable Area:
 - (a) Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed in gross area 15 percent of any building face on which the sign is to be mounted;
 - (2) Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached; and
 - (3) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50 percent of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos, and letters;
- c. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. 1 sign with an area of 10 square feet per face

shall be permitted per driveway. Said signs shall be consistent with Chapter 1.110, Visual Clearance Areas;

- d. Electronic Message Centers as per Subsection 1.122.090.C, and Electronic Picture/Advertising Centers as per Subsection 1.122.090.D;
- e. Projecting Signs shall be allowed with the following conditions:
 - (1) Maximum area of the sign shall not exceed ½ of the freestanding sign allowed area, as per Subsection 1.122.085;
 - (2) Projecting sign can be in place of the freestanding sign but not in addition to one and the total area of any projecting sign and roof sign cannot exceed the total area allowed for a freestanding sign; and
 - (3) A projecting sign can not extend/project over a street nor within three feet of a street or curb and not below 8 feet above a public right of way (such as a sidewalk);
- f. Signs Exempt From Permit:
 - (1) The signs specified in Subsection 1.122.060.A. shall be allowed, subject to any restrictions imposed by this code;
- g. Temporary Signs in accordance with Sections 1.122.090 and 1.122.100;
- h. Lawn Signs in accordance with Subsections 1.122.060.A.1 and B.2;
- i. Special Condition Signs in accordance with Section 1.122.090; and
- j. Additional Allowable Signs:
 - (1) Awning sign(s), "roof" sign(s), freeway oriented sign(s), tenant sign(s), and painted wall sign(s);

E. Industrial Zones:

- 1. No signs shall be permitted in an LI or HI zone except for the following:
 - a. Freestanding Signs or Projecting Signs:
 - (1) Freestanding signs shall have certain limitations and conditions when permitted on properties zoned commercial and industrial;

- (a) One multifaced, freestanding sign shall be permitted subject to conditions and limitations as stated herein; and
 - (b) A readerboard assembly may be an integral part of the freestanding sign;
- (2) Area Limits:
- (a) The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces (except for the area east of Columbia River Highway and abutting the railroad right of way, or Milton Way, which can be 350 square feet per face or 700 square feet total for all sign faces). No part of any free-standing sign shall extend over a property line into public right of way space;
- (3) Area Limit Increases:
- (a) The sign area may be increased 1 square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 20 percent;
- (4) Height Limits:
- (a) Freestanding signs located next to the public right of way shall not exceed 20 feet in height (except for the area east of Columbia River Highway and abutting the railroad right of way, or Milton Way, which can be 45 feet in height). Height may be increased 1 foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 30 feet in height, except for those allowed to be 45 feet cannot be increased;
- b. Wall Signs:
- (1) Allowable Area:
- (a) Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed in gross area

15 percent of any building face on which the sign is to be mounted;

- (2) Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached; and
- (3) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50 percent of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos, and letters;

c. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. 1 sign with an area of 10 square feet per face shall be permitted per driveway. Said signs shall be consistent with Chapter 1.110, Visual Clearance Areas;

d. Signs Exempt From Permit:

- (1) The signs specified in Subsection 1.122.060.A shall be allowed, subject to any restrictions imposed by this code;

e. Temporary Signs in accordance with Sections 1.122.090 and 1.122.100;

f. Lawn Signs in accordance with Subsections 1.122.060. A.6. and B.2;

g. Special Condition Signs in accordance with Section 1.122.090; and

h. Additional Allowable Signs:

- (1) Awning sign(s), tenant sign(s), freeway-oriented sign(s), projecting sign(s), "roof" sign(s), and painted wall sign(s).

F. Other Requirements Which Shall Apply to Commercial and Industrial Zones:

- 1. If it is determined under the development review process that the sign's visual appeal and overall design quality would be served while maintaining the intent and purpose of this chapter, an additional 50 percent of the allowable sign area and 25 percent of sign height may be permitted. No copy will be permitted in the additional area or height. For purposes of this subsection the word "copy" includes symbols, logos, and figures, as well as letters;

- a. Each freestanding sign or projecting sign shall be surrounded by an area set aside to protect the sign from vehicles negotiating in the parking area of the business and the area set aside shall be landscaped;
 - (1) The size and shape of the area set aside and the landscaping shall be represented on the plot plan required by permit and shall be subject to the review and control of the Director, under the development review process; and
 - (2) On existing sites where a landscape island is not feasible, the minimum clearance between the lowest portion of a freestanding sign and the ground shall be 14 feet in any vehicle maneuvering area;
- b. No freestanding sign, nor any portion of any freestanding sign, shall be located or project over any portion of a street, sidewalk or other public right of way or property unless an exception has been granted;
- c. When a premise contains more than a single tenant but is not defined as a shopping center, the provisions of a freestanding sign shall take into consideration the need for providing a signing system which is harmonious in appearance and legible:
 - (1) The building owner shall provide, at his own expense, a common support for all tenant signage; and
 - (2) Up to an additional 50 percent of sign copy area may be permitted under the design review process so as to adequately identify the separate tenants when determined that the increased sign area will not deter from the purpose of this chapter;
- d. Shopping centers or industrial parks shall establish a single signing format:
 - (1) Up to an additional 50 percent of sign area may be permitted under the development review process to adequately identify the complex when it can be determined that the increased sign area will not deter from and purposes of this chapter;
 - (2) This increase should be judged according to unique identification needs and circumstances which necessitate additional area to make the sign sufficiently legible; and

- (3) When a shopping center or industrial park has more than 1 main entrance on separate frontages, a second freestanding sign may be allowed under the design review process. The 2 allowable signs shall face separate frontages and are not intended to be viewed simultaneously;
- e. Legal owners or occupants of properties or buildings which are in shopping plazas and which are directly located or are proposed to be located on a commercially and industrially zoned corner property(ies) (one or more contiguous tax lots located at the intersection of 2 or more public streets), shall be allowed to have 1 freestanding sign along each street frontage when all of the following are met:
- (1) A sign permit shall be required for each sign prior to its erection;
 - (2) The total combined height of 2 freestanding signs on the premises shall not exceed 150 percent of what is normally allowed for 1 freestanding sign in the same zoning district;
 - (3) Neither of the signs shall exceed the sign height normally allowed in the zoning district in which the signs are located (See Subsection 1.122.130.);
 - (4) The total combined area of 2 freestanding signs on the premises shall not exceed 130 percent of what is normally allowed for 1 freestanding sign in the same zoning district;
 - (5) No more than 2 freestanding signs shall be permitted;
 - (6) The 2 allowable signs shall face separate frontages and are not intended to be viewed simultaneously; and
 - (7) All other provisions of this chapter shall apply.
- f. Shopping centers in the HC and GC zoning districts shall be entitled to freestanding signage according to the following optional standards:
- (1) Number—A maximum of 2 freestanding signs shall be permitted per roadway frontage provided they can meet both sign area and sign height requirements as set forth in this subsection;
 - (2) Allowable Height—The combined height of 2 signs shall not exceed 150 percent of the sign height normally allowed for 1 freestanding sign in the same zoning district; however, neither

shall exceed the height normally allowed in the same zoning district;

- (3) Total combined sign area for both signs shall not exceed 150 percent of what is normally allowed for 1 freestanding sign in the same zoning district; however, neither shall exceed the area normally allowed in the same zoning district;
- (4) Neither sign will pose a vision clearance problem or will project into the public right of way; and
- (5) A sign permit shall be required prior to erection of any freestanding sign referred to in this subsection.

G. Signs in other zones not mentioned in this Code:

1. Signs in other zones shall be treated under the same rules as the abutting zone closest to the sign (e.g. PL next to HC; PL next to R-5).

1.122.140 Sign Code Exceptions.

- A. The Planning Commission or, on review, the Council may grant exceptions to the requirements of this chapter when the applicant demonstrates that, owing to special or unusual circumstances relating to the design, structure or placement of the sign in relation to other structures or land uses or the natural features of the land, the literal interpretation of this chapter would interfere with the communicative function of the sign without corresponding public benefit.
- B. When the Planning Commission or the Council approves an exception, the rights thereby given to the applicant shall continue to exist and to belong to the applicant or any other owner of the land for a period of 1½ years from the date of final approval:
 1. If, at the expiration of 1½ years from the date of approval, construction of the structure or initiation of the use giving rise to the need for the exception has not begun, the rights given by the exception approval shall terminate without further action by the City, the Planning Commission, or the Council; and
 2. Said rights shall also terminate at or after the expiration of 1½ years from approval if, though commenced within 1½ years, construction ceases and is not resumed within 60 days.

1.122.145 Approval Criteria for Exceptions to the Sign Code.

- A. The Planning Commission shall approve, approve with conditions, or deny a request for an exception to the sign code based on findings that at least 1 of the following criteria are satisfied:
1. The proposed exception to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Sign Code standards;
 2. A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;
 3. Up to an additional 25 percent of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of this chapter. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other nondimensional standards or restrictions of this chapter;
 4. The proposed sign is consistent with the criteria set forth in Subsection 1.122.130.G. of this chapter;
 5. The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:
 - a. The combined height of both signs shall not exceed 150 percent of the sign height normally allowed for 1 freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;
 - b. Neither sign will pose a vision clearance problem or will project into the public right of way; and
 - c. Total combined sign area for both signs shall not exceed 150 percent of what is normally allowed for 1 freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.
- B. In addition to the criteria in Subsection A above, the Planning Commission, or in the case of an administrative exception, the Director shall review all of the existing or

proposed signage for the development and its relationship to the intent and purpose of this chapter. As a condition of approval, the Commission or Director may require:

1. Removal or alteration of nonconforming signs to achieve compliance with the standards contained in this chapter;
2. Removal or alteration of conforming signs in order to establish a consistent sign design throughout the development; and
3. Application for sign permits for signs erected without permits or removal of such illegal signs.

1.122.148 Criteria for Approval of an Administrative Exception.

- A. The purpose of this section is to set forth the criteria whereby the Director is empowered to grant an administrative exception as a prerequisite to a sign permit for a proposed new sign or as a means to allow the continued use of a marginally nonconforming sign (due only to its dimensions).
- B. The proposed administrative exception(s) to sign height and/or sign area does/do not or will not exceed by more than 5 percent the existing sign height and sign area standards that otherwise would be applicable in the same zoning district for the same type of sign.
- C. The Director shall approve, approve with conditions or deny an application for an administrative exception based on findings that all of the following criteria are satisfied:
 1. The proposed administrative exception(s) applies/apply to an existing nonconforming sign or a proposed new sign for a developing site;
 2. The proposed administrative exception(s) will not be materially detrimental to the purposes of this code, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards and to other properties in the same zoning district or vicinity;
 3. The proposed administrative exception(s) will not be detrimental to public safety and welfare;
 4. The proposed administrative exception(s) will not involve an extension into the public right of way; and
 5. Nonconforming sign(s) may be allowed past the expiration of its/their amortization date when the Director finds that:

- a. The proposed modified sign(s) is/are closer to conformance than the old sign in terms of a percentage reduction in its/their dimensional nonconformance; and
 - b. The overall visual impact of all signs on the site has been improved with respect to the total number and size of all signage.
- D. In addition to the criteria set forth in 1.122.148.C., at least 1 of the following criteria shall also be met:
1. The proposed sign height or area administrative exception(s) is for the convenience of the regional or national business which wishes to use a standard-sized sign;
 2. The administrative exception(s) will allow an unique sign of unique design or style which will enhance the area or will be a visible landmark; or
 3. One of the sign code exception criteria in Subsection 1.122.145.A. is satisfied.
- E. When all of the above criteria in Subsection 1.122.148.A. is satisfied, the Director shall review all existing and proposed signage for the development as outlined in Subsection 1.122.145.B.

1.122.150 Sign Code Exception Application Submission Requirements.

- A. All sign code exception applications shall be made on forms provided by the Director and shall be accompanied by:
1. Copies for review by the Director of the sign plan(s) and any necessary data or narrative (number to be determined at the pre-application conference), which explains how the sign plan proposal conforms to the standards. 2 for review by the Commission of the sign plans for sign code exception:
 - a. Sheet size for sign drawings and sign site plan(s) and required drawings shall preferably be drawn on sheets not to exceed 18 inches by 24 inches;
 - b. The scale of the sign site plan shall be an engineering scale; and
 - c. All drawings of the sign elevations and structural components shall be a standard architectural scale, being 1/4 inches or 1/8 inches;
 2. The required fee;

3. The applicant's statement; and
 4. An assessor's map.
- B. The proposed sign site plan shall include the following information:
1. The location of the proposed sign and all existing signs on the site;
 2. The location of all existing and proposed buildings on the site;
 3. The location of all existing and proposed streets and rights-of-way, including names and widths; and
 4. The location of all overhead power and utility lines located on the site.
- C. The proposed sign architectural plans shall include the following information:
1. The sign dimensions;
 2. The materials and colors to be used;
 3. The height of the sign above the ground;
 4. The source and intensity of any illumination;
 5. Construction drawings indicating size of footings, anchorages and welds; and
 6. The Director may require engineers' calculations for sign construction, anchorage and footing requirements, including wind resistance and seismic forces, all in conformance with the requirements of the Uniform Building Code in accordance with Subsection 1.070.080.A. All sign structures on or near a building shall conform to the State Fire Life Safety requirements and the Uniform Building Code requirements of the building, structure or area where it is erected.
- D. All electrical illuminated signs shall bear the Underwriters Laboratory label or equivalent.

Chapter 1.124 MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

Sections:

- 1.124.010 Purpose.**
- 1.124.020 Applicability.**
- 1.124.030 Definitions.**
- 1.124.040 Materials Accepted.**
- 1.124.050 Methods of Demonstrating Compliance.**
- 1.124.060 Location, Design and Access Standards for Storage Areas.**

1.124.010 Purpose.

The purpose of this section is to ensure that certain new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source separated recyclables prior to pick-up and removal by haulers.

1.124.020 Applicability.

The mixed solid waste and source separated recyclables storage standards shall apply to new multi-unit residential buildings containing 5 or more units and non-residential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

1.124.030 Definitions.

- A. The following definitions apply to standards dealing with solid waste and recyclables storage areas and not to other chapters of this Code.
 - 1. Mixed Solid Waste: Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.
 - 2. Source Separated Recyclables: At a minimum, recyclable materials designated "principle recyclable materials" by the State Environmental Quality Commission under ORS 495A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, aluminum, container glass, office paper, and tin cans (OAR 340-60-030).

3. Storage Area: The space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.
4. Multi-Unit Residential Building: A structure that contains 6 or more dwellings units that share common walls or floors/ceilings with 1 or more units.
5. Non-Residential Building: A structure that is used for any non-residential function, including but not limited to office, retail wholesale/warehouse/industrial, educational, and institutional uses.
6. Solid Waste Coordinator: The Director of Columbia County Land Development Services or his/her designee.

1.124.040 Materials Accepted.

The storage area must be able to accept at least all "principle recyclable materials" designated by the Oregon Environmental Quality Commission and other source-separated recyclables the local government identifies by regulation.

1.124.050 Methods of Demonstrating Compliance.

- A. An applicant shall choose 1 of the following 4 methods to demonstrate compliance:
 1. Minimum standards;
 2. Waste assessment;
 3. Comprehensive recycling plan; or
 4. Franchised hauler review and sign-off.
- B. The following provisions apply to all 4 methods of demonstrating compliance:
 1. Section 1.124.060 of this ordinance (Location, Design and Access Standards), except as provided in 1.124.050.G;
 2. The floor area of an interior or exterior storage area required by this ordinance shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.

C. Minimum Standards Method:

1. Description of Method:

This method specifies a minimum storage area requirement based on the size and general use category of the new construction.

2. Typical Application of Method:

This method is most appropriate when the specific use of a new building is not known. It provides specific dimensional for the minimum size of storage areas by general use category.

3. Application Requirements and Review Procedure:

The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this ordinance. Through the site plan review process, compliance with the general and specific requirements set forth below is verified.

D. General Requirements:

1. The storage area requirement is based on the predominant use(s) of the building, (e.g. residential, office, retail, wholesale/warehouse/ manufacturing, educational/institutional, or other). If a building has more than 1 of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than 1 of the uses listed in herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use;

2. Storage areas for multiple uses on a single site may be combined and shared; and

3. The specific requirements are based on an assumed storage height of 4 feet for solid waste/recyclables. Vertical storage higher than 4 feet but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

E. Specific Requirements:

1. Multi-unit residential buildings containing 6-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 residential units shall provide an additional 5 square feet per unit for each unit above 10;
2. Non-residential buildings shall provide a minimum storage area of 10 square feet, plus:
 - a. Office: 4 square feet/1,000 square feet gross floor area (GFA).
 - b. Retail: 10 square feet/1,000 square feet GFA.
 - c. Wholesale/Warehouse/Manufacturing: 6 square feet/1,000 square feet GFA.
 - d. Educational and Institution: 4 square feet/1,000 square feet GFA.
 - e. Other: 4 square feet/1,000 square feet GFA.

F. Waste Assessment Method:

1. Description of Method:

The waste assessment method tailors the storage area size to a waste assessment and management program for the specific users of a new building.

2. Typical Application of Method:

This method is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

3. Application Requirements and Review Procedures:

- a. A preconference with the solid waste coordinator/plan check staff is required if the waste assessment method is proposed. The applicant shall obtain a waste assessment form from the local jurisdiction;
- b. The form shall be used to estimate the volumes of source separated recyclables/mixed solid waste generated. From this information, the applicant can design a specific management, storage and collection system. Techniques such as a compactor or cardboard baler may be implemented to minimize the square footage of the site which must be set aside for a storage area; and

- c. The waste assessment form shall be completed and submitted with site plans required by the local jurisdiction. The plans must identify the size and location of interior or exterior storage area(s), specialized equipment, collection schedule, etc. required to accommodate the volumes projected in the waste assessment. The solid waste coordinator shall review and approve the waste assessment as part of the site plan or development review process.

4. Specific Requirement:

The application shall demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the minimum standards method.

G. Comprehensive Recycling Plan Method

1. Description of Method:

The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use.

2. Typical Application of Method:

This method can be used when a comprehensive recycling plan has been developed for a specific facility. It is most suited to large nonresidential uses such as hospitals, schools and industrial facilities. The comprehensive recycling plan method can be used for new construction or expansion that is subject to full site plan review.

3. Application Requirements and Review Procedure:

The comprehensive recycling plan shall be submitted to the solid waste coordinator at the same time site plans are submitted for site plan review. The applicant shall submit plans and text that show how mixed solid waste and recyclables generated by the proposed development will be served under a comprehensive recycling plan. The location, design and access standards not forth in Section 1.124.060 are applicable to new storage areas only.

H. Franchised Hauler Review Method:

1. The Franchised Hauler Review method is only available in jurisdictions which franchise collection service areas because there is certainty as to what hauler will actually provide service to the proposed development, once it is constructed.

2. Description of Method:

This method provides for coordinated review of the proposed site plan by the franchised hauler serving the subject property.

3. Typical Application of Method:

This method is to be used when there are unique conditions associated with the site, use or waste stream that make compliance with any of the other 3 methods infeasible. The objective of this method is to match a specific hauler program (types of equipment, frequency of collection, etc.) to the unique characteristic(s) of the site or development.

The following constitute unique conditions:

- a. Use of either of the 3 other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development, or make it impossible to comply with the minimum off-street parking requirements of the underlying zone;
- b. The site is of an irregular shape or possessed steep slopes that do not allow for access by collection vehicles typically used by the franchised hauler to serve uses similar in size and scope to the proposed use; and
- c. The proposed use will generate unique wastes that can be stacked, folded or easily consolidated without the need for specialized equipment, such as a compactor, and can therefore be stored in less space than is required by the Section 1.124.050.C. of this ordinance.

4. Application Requirements and Review Procedure:

The applicant shall work with the franchised hauler to develop a plan for storage and collection of source separated recyclables and mixed solid waste expected to be generated from the new building. A narrative describing how the proposed site meets 1 or more of the unique site conditions described above plus site and building plans showing the size and location of storage area(s) required to accommodate anticipated volumes shall be submitted for site plan review. Additionally, a letter from the franchised hauler shall be submitted at the same time that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity.

1.124.060 Location, Design and Access Standards for Storage Areas.

- A. The following location, design and access standards for storage areas are applicable to all 4 methods of compliance:
1. Minimum standards;
 2. Waste assessment;
 3. Comprehensive recycling plan; and
 4. Franchised hauler review.
- B. Location Standards:
1. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste;
 2. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements;
 3. Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations;
 4. Exterior storage areas can be located within interior side yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street;
 5. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users;
 6. Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions in Section 1.124.060.C., Design Standards; and
 7. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

C. Design Standards:

1. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection;
2. Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area;
3. Exterior storage areas shall be enclosed by a sight obscuring fence, wall, or hedge at least 6 feet in height. Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position; and
4. Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

D. Access Standards:

1. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service;

Chapter 1.128 SITE DEVELOPMENT REVIEW.

Sections:

- 1.128.010 Purpose.**
- 1.128.020 Applicability of Provisions.**
- 1.128.030 Administration and Approval Process.**
- 1.128.040 Expiration of Approval: Standards for Extension of Time.**
- 1.128.050 Phased Development.**
- 1.128.060 Bonding and Assurances.**
- 1.128.070 Major Modification to Approved Plans or Existing Development.**
- 1.128.080 Minor Modification(s) to Approved Plans or Existing Development.**
- 1.128.090 Application Submission Requirements.**
- 1.128.100 Additional Information Required and Waiver of Requirements.**
- 1.128.110 Site Conditions.**
- 1.128.120 The Site Development Plan.**
- 1.128.130 Grading Plan.**
- 1.128.140 Architectural Drawings.**
- 1.128.150 Landscape Plan.**
- 1.128.160 Sign Drawings.**
- 1.128.180 Approval Standards.**

1.128.010 Purpose.

- A. The purpose and intent of site development review is to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the City.
- B. It is in the public interest and necessary for the promotion of the health, safety and welfare, convenience, comfort and prosperity of the citizens of the City of St. Helens:
 - 1. To implement the City of Helens' comprehensive plan and other approval standards in this code;
 - 2. To preserve and enhance the natural beauties of the land and of the man-made environment, and enjoyment thereof;
 - 3. To maintain and improve the qualities of and relationships between individual buildings, structures and the physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;

4. To protect and ensure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area; and
 5. To ensure that each individual development provides for a quality environment for the citizens utilizing that development as well as the community as a whole.
- C. In order to prevent the erosion of natural beauty, the lessening of environmental amenities, the dissipation of both usefulness and function, and to encourage additional landscaping, it is necessary:
1. To stimulate harmonious design for individual buildings, groups of buildings and structures, and other physical developments;
 2. To encourage the innovative use of materials, methods, and techniques and flexibility in building placement; and
 3. To integrate the functions, appearances and locations of buildings and improvements so as to best achieve a balance between private interests and preferences, and the public interest and welfare.

1.128.020 Applicability of Provisions.

- A. Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 1.128.070 except it shall not apply to:
1. Single dwelling units;
 2. Manufactured homes on individual lots;
 3. A duplex, which is not being reviewed as part of any other development;
 4. Minor modifications as provided in Section 1.128.070;
 5. Any proposed development which has a valid conditional use approved through the conditional use permit application process; or
 6. Home child care;
 7. Home occupations, Type I and Type II;
 8. Temporary use;

9. Fuel tank; or
10. Accessory structures.

1.128.030 Administration and Approval Process.

- A. The applicant for a site development review proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required. (See Section 1.070.040.)
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for no more than 6 months:
 1. Another pre-application conference is required if any site development application is submitted 6 months after the pre-application conference; and
 2. Failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria or requirements applicable to the applications.
- D. The Director shall approve, approve with conditions or deny any application for site development review as provided by Section 1.070.090. The Director shall apply the standards set forth in Section 1.128.180 when reviewing an application for site development review. The Planning Commission will review the Director's tentative decision before it becomes final.
- E. The decision of the Director may be appealed in accordance with Subsection 1.070.310.A.
- F. The Director shall mail notice of any site development review proposal decision to the persons who may have the right to request a hearing before the Commission in accordance with Section 1.070.120.

1.128.040 Expiration of Approval: Standards for Extension of Time.

- A. Site development review approval by the Director shall be effective for a period of 1 year from the date of approval.
- B. The site development review approval by the Director shall lapse if:

1. Substantial construction of the approved plan has not begun within a 1-year period; or
 2. Construction on the site is a departure from the approved plan.
- C. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 6 months; provided that:
1. No changes are made on the original site development review plan as approved by the Director;
 2. The applicant can show intent of initiating construction on the site within the 1-year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.

1.128.050 Phased Development.

- A. The Director may approve a time schedule for developing a site in phases over a period of time of 1 year, but in no case shall the total time period for all phases be greater than 3 years without reapplying for site development review.
- B. The criteria for approving a phased site development review proposal is that all of the following are satisfied:
1. The public facilities are constructed in conjunction with or prior to each phase;
 2. The development and occupancy of any phase is not dependent on the use of temporary public facilities:
 - a. A temporary public facility is any facility not constructed to the applicable City or district standard;
 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required by approved development proposal; and
 4. The Director's decision may be appealed as provided by Subsection 1.070.310.A. No notice need be given of the Director's decision.

1.128.060 Bonding and Assurances.

- A. On all projects where public improvements are required the Director shall:
 - 1. Require a bond in an amount not greater than 110 percent of engineer estimates for public improvements or other adequate assurances as a condition of approval of the site development plan in order to ensure the completed project is in conformance with the approved plan; and
 - 2. Approve and release such bonds.
- B. The bond shall be released when the Director finds the completed project conforms to the approved site development plan and all conditions of approval are satisfied.
- C. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Director is filed with the City Recorder assuring such installation within 6 months after occupancy:
 - 1. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
 - 2. If the installation of the landscaping is not completed within the 6-month period, the security may be used by the City to complete the installation.
- D. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of St. Helens business license prior to initiating business.

1.128.070 Major Modification to Approved Plans or Existing Development.

- A. An applicant may request approval of a modification to an approved plan or existing development by:
 - 1. Providing the Director with 3 copies of the proposed modified site development plan; and
 - 2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Subsection B below.
- B. The Director shall determine that a major modification(s) will result if 1 or more of the following changes are proposed. There will be:
 - 1. An increase in dwelling unit density, or lot coverage for residential development;

2. A change in the ratio or number of different types of dwelling units;
 3. A change that requires additional on-site parking in accordance with Chapter 1.114;
 4. A change in the type of commercial or industrial structures as defined by the Uniform Building Code;
 5. An increase in the height of the building(s) by more than 10 percent from that approved in a previous Site Development Review or Land Use decision;
 6. A change in the type and location of accessways and parking areas where off-site traffic would be affected;
 7. An increase in vehicular traffic to and from the site and the increase can be expected to exceed 20 vehicles per day;
 8. An increase in the floor area proposed for a nonresidential use by more than 10 percent excluding expansions under 5,000 square feet;
 9. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10 percent;
 10. A reduction of project amenities below the minimum established by this code or by more than 10 percent where specified in the site plan:
 - a. Recreational facilities;
 - b. Screening; and/or
 - c. Landscaping provisions; and
 11. A modification to the conditions imposed at the time of site development review approval which are not the subject of B. 1 through 10 above of this subsection.
- C. Upon determining that the proposed modification to the site development plan is a major modification, the applicant shall submit a new application in accordance with Sections 1.128.030 and 1.128.090 for site development review prior to any issuance of building permits.
- D. The Director's decision on classification of site design process may be appealed as provided by Subsection 1.070.310.A. Notice of the Director's decision need not be given.

1.128.080 Minor Modification(s) to Approved Plans or Existing Development.

- A. Any modification which is not within the description of a major modification as provided in Section 1.128.070 shall be considered a minor modification.
- B. An applicant may request approval of a minor modification:
 - 1. Providing the Director with 3 copies of the proposed modified site development plan; and
 - 2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Section 1.128.070.B.
- C. A minor modification shall be approved, approved with conditions or denied following the Director's review based on the finding that:
 - 1. No code provisions will be violated; and
 - 2. The modification is not a major modification.
- D. The Director's decision may be appealed as provided by Subsection 1.070.310.A.

1.128.090 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 - 1. Copies of the site development plan(s) (number to be determined at the pre-application conference) and necessary data or narrative which explains how the development conforms to the standards, and:
 - a. The site development plan(s) and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - b. The scale for a site development plan shall be an engineering scale; and
 - c. All drawings of structure elevations shall be a standard architectural scale, being ¼ inch or 1/8 inch; and
 - 2. The required fee.
- B. The required information may be combined on 1 map.

C. The site development plan, data, and narrative shall include the following:

1. An existing site conditions analysis, Section 1.128.110;
2. A site plan, Section 1.128.120;
3. A grading plan, Section 1.128.130;
4. A landscape plan, Section 1.128.150;
5. Architectural elevations of all structures, Section 1.128.140;
6. A sign plan, Section 1.128.160; and
7. A copy of all existing and proposed restrictions or covenants.

1.128.100 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.
- B. The Director may waive a specific requirement for information in accordance with Subsection 1.070.080.B. and C.

1.128.110 Site Conditions.

- A. The site analysis drawings shall include:
 1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 2. The site size and its dimensions;
 3. Contour lines at 2-foot contour intervals for grades 0 to 10 percent and 5-foot intervals for grades over 10 percent;
 4. The location of drainage patterns and drainage courses;
 5. The location of sensitive lands;
 6. The location of site features including:
 - a. Rock outcroppings; and

- b. Trees with 6 inches caliper or greater measured 4 feet from ground level;
7. The location of existing structures on the site and proposed use of those structures; and
8. The location and type of noise sources on the site or on adjoining property such as traffic ways, mechanical equipment, or noise producing land uses if requested by the Director.

1.128.120 The Site Development Plan.

- A. The proposed site development plan shall be at the same scale as the site analysis and shall include the following information:
 1. The proposed site and surrounding properties;
 2. Contour line intervals (see Subsection 1.128.110.A.3.);
 3. The location, dimensions and names of all:
 - a. Existing and platted streets and other public ways and easements on the site and on adjoining properties; and
 - b. Proposed streets or other public ways and easements on the site;
 4. The location and dimensions of:
 - a. Entrances and exits on the site;
 - b. Parking and circulation areas;
 - c. Loading and services areas;
 - d. Pedestrian and bicycle circulation;
 - e. Outdoor common areas; and
 - f. Above ground utilities;

5. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements and utilities which are located on adjacent property within 25 feet of the site and are permanent in nature; and
 - b. Proposed structures, improvements and utilities on the site;
6. The location of areas to be landscaped;
7. The location and type of outdoor lighting, considering crime prevention techniques;
8. The location of mailboxes;
9. The location of proposed utility lines; and
10. The location of all structures and their orientation.

1.128.130 Grading Plan.

- A. The site development plan shall include a grading plan at the same scale as the site analysis drawings and shall contain the following information:
 1. Requirements in Sections 1.128.110 and 1.128.120;
 2. The location and extent to which grading will take place indicating general contour lines, slope ratios and slope stabilization proposals; and
 3. A statement from a registered engineer supported by factual data substantiating:
 - a. The validity of the slope stabilization proposals; and
 - b. That all problems will be mitigated and how they will be mitigated.

1.128.140 Architectural Drawings.

- A. The site development plan proposal shall include:
 1. Floor plans indicating the square footage of all structures proposed for use on-site; and

2. Typical elevation drawings of each structure.

1.128.150 Landscape Plan.

- A. The landscape plan shall be drawn at the same scale as the site analysis plan, or a larger scale if necessary, and shall indicate:
 1. Location of underground irrigation system sprinkler heads where applicable;
 2. Location and height of fences, buffers, and screenings;
 3. Location of terraces, decks, shelters, play areas, and common open spaces; and
 4. Location, type, size, and species of existing and proposed plant materials.
- B. The landscape plan shall include a narrative which addresses:
 1. Soil conditions; and
 2. Erosion control measures that will be used.

1.128.160 Sign Drawings.

Sign drawings shall be submitted in accordance with Chapter 1.122.

1.128.180 Approval Standards.

- A. The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:
 1. Provisions of the following chapters:
 - a. Chapter 1.092, Sensitive Lands;
 - b. Chapter 1.102, Manufactured/Mobile Home Regulations;
 - c. Chapter 1.100, Density Computation;
 - d. Chapter 1.156 Accessory Structures;
 - e. Chapter 1.104 Additional Yard Area Requirements;

- f. Chapter 1.106, Building Height Limitations: Exceptions;
 - g. Chapter 1.108, Landscaping and Screening;
 - h. Chapter 1.110, Visual Clearance Areas;
 - i. Chapter 1.114, Off-Street Parking and Loading;
 - j. Chapter 1.116, Access, Egress, and Circulation;
 - k. Chapter 1.122, Signs;
 - l. Chapter 1.160, Tree Removal; and
 - m. Chapter 1.184, Street and Utility Improvement Standards.
2. Relationship to the Natural and Physical Environment:
- a. Buildings shall be:
 - (1) Located to preserve existing trees, topography, and natural drainage in accordance with other sections of this ordinance;
 - (2) Located in areas not subject to ground slumping or sliding;
 - (3) Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and firefighting; and
 - (4) Oriented with consideration for sun and wind; and
 - b. Trees having a 6 inch caliper or greater shall be preserved or replaced by new plantings of equal character.
3. Exterior Elevations:
- a. Along the vertical face of single dwelling units-attached and multiple dwelling unit structures, offsets shall occur at a minimum of every 30 feet by providing any 2 of the following:
 - (1) Recesses (decks, patios, entrances, floor area, etc.), of a minimum depth of 8 feet;

- (2) Extensions (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet, a maximum length of an overhang shall be 25 feet; and
 - (3) Offsets or breaks in roof elevations of 3 or more feet in height;
4. Buffering, Screening, and Compatibility between Adjoining Uses (See Figure 13, Chapter 1.108):
 - a. Buffering shall be provided between different types of land uses (for example, between single dwelling units and multiple dwelling units residential, and residential and commercial), and the following factors shall be considered in determining the adequacy of the type and extent of the buffer:
 - (1) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (2) The size of the buffer required to achieve the purpose in terms of width and height;
 - (3) The direction(s) from which buffering is needed;
 - (4) The required density of the buffering; and
 - (5) Whether the viewer is stationary or mobile;
 - b. On site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roof tops (e.g. air cooling and heating systems), shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:
 - (1) What needs to be screened;
 - (2) The direction from which it is needed;
 - (3) How dense the screen needs to be;
 - (4) Whether the viewer is stationary or mobile; and
 - (5) Whether the screening needs to be year around;

5. Privacy and Noise:
 - a. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in Subsection 6.a below;
 - b. The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise;
 - c. Residential buildings should be located on the portion of the site having the lowest noise levels; and
 - d. On-site uses which create noise, lights, or glare shall be buffered from adjoining residential uses; (See Section 1.128.180.A.4.)
6. Private Outdoor Area: Residential Use:
 - a. Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of 4 feet; and:
 - (1) Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and
 - (2) Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area;
 - b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - c. Private outdoor spaces shall be screened or designed to provide privacy for the users of the space;
7. Shared Outdoor Recreation Areas: Residential Use:
 - a. In addition to the requirements of Subsections 5 and 6 above, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
 - (1) Studio up to and including 2-bedroom units, 200 square feet per unit; and

- (2) 3 or more bedroom units, 300 square feet per unit;
 - b. The required recreation space may be provided as follows:
 - (1) It may be all outdoor space; or
 - (2) It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room;
 - (3) It may be all public or common space;
 - (4) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and
 - (5) Where balconies are added to units, the balconies shall not be less than 48 square feet;
 - c. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;
- 8. Demarcation of Public, Semipublic, and Private Spaces: Crime Prevention:
 - a. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semipublic areas and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, in order to provide for crime prevention and to establish maintenance responsibility; and
 - b. These areas may be defined by:
 - (1) A deck, patio, low wall, hedge, or draping vine;
 - (2) A trellis or arbor;
 - (3) A change in level;
 - (4) A change in the texture of the path material;
 - (5) Sign; or
 - (6) Landscaping;
- 9. Crime Prevention and Safety:

- a. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
 - b. Interior laundry and service areas shall be located in a way that they can be observed by others;
 - c. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;
 - d. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
 - e. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes:
 - (1) Fixtures shall be placed at a height so that light patterns overlap at a height of 7 feet which is sufficient to illuminate a person;
10. Access and Circulation:
- a. The number of allowed access points for a development shall be as provided in Section 1.116.070;
 - b. All circulation patterns within a development shall be designed to accommodate emergency vehicles; and
 - c. Provisions shall be made for pedestrianways and bicycleways if such facilities are shown on an adopted plan;
11. Distance Between Multiple-Family Residential Structure and Other.
- a. To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
 - (1) Buildings with windowed walls facing buildings with windowed walls shall have a 25 feet separation;
 - (2) Buildings with windowed walls facing buildings with a blank wall shall have a 15 feet separation;
 - (3) Buildings with opposing blank walls shall have a 10 feet separation;

- (4) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and
 - (5) Buildings with courtyards shall maintain separation of opposing walls as listed in 1, 2, and 3 above for walls in separate buildings.
 - b. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be 1 foot for each 15 feet of building length over 50 feet and 2 feet for each 10 feet of building height over 30 feet.
 - c. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - (1) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the structures shall be separated by at least 5 feet; and
 - (2) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least 7 feet.
12. Parking:
 - a. All parking and loading areas shall be designed in accordance with the requirements set forth in Sections 1.114.050 and 1.114.090, Chapters 1.110, Visual Clearance, and 1.116, Access, Egress, and Circulation;
13. Landscaping:
 - a. All landscaping shall be designed in accordance with the requirements set forth in Chapter 1.108; and
 - b. For residential use, in addition to the open space and recreation area requirements of Subsections 5 and 6 above, a minimum of 15 percent of the gross area including parking, loading and service areas shall be landscaped;
14. Drainage:
 - a. All drainage plans shall be designed in accordance with the criteria in the most current adopted St. Helens master drainage plan;

15. Provision for the Handicapped:
 - a. All facilities for the handicapped shall be designed in accordance with the requirements set forth in ORS Chapter 487;
16. Signs:
 - a. All sign placement and construction shall be designed in accordance with requirements set forth in Chapter 1.122;
17. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this code (e.g., the Planned Development, Chapter 1.180; or a Variance granted under Chapter 1.144; etc.).

Chapter 1.140 CONDITIONAL USE.

Sections:

- 1.140.010 Purpose.**
- 1.140.020 Administration and Approval Process.**
- 1.140.030 Expiration of Approval: Standards for Extension of Time.**
- 1.140.035 Phased Development or Existing Development.**
- 1.140.040 Approval Standards and Conditions.**
- 1.140.050 Major Modification to Approved Plans or Existing Development.**
- 1.140.060 Minor Modification(s) to Approved Plans or Existing Development.**
- 1.140.070 Application Submission Requirements.**
- 1.140.080 Site Conditions.**
- 1.140.090 The Site Plan.**
- 1.140.100 Grading Plan.**
- 1.140.110 Architectural Drawings.**
- 1.140.120 Landscape Plan.**
- 1.140.130 Sign Drawings.**
- 1.140.140 Additional Information Required and Waiver of Requirements.**
- 1.140.150 Standard Dimensional Requirements for Conditional Use Types.**

1.140.010 Purpose.

The purpose of this chapter is to provide standards and procedures under which conditional use may be permitted, enlarged or altered if the site is appropriate and if other conditions can be met.

1.140.020 Administration and Approval Process.

- A. The applicant of a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required. (See Section 1.070.040.)
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for no more than 6 months:
 - 1. Another pre-application conference is required if any development application for this site is submitted 6 months or later after the pre-application conference; and

2. Failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria or requirements of the applications.
- D. The Director shall mail notice of any conditional use proposal to the persons who are entitled to notice in accordance with Section 1.070.130.
- E. Action on the application shall be in accordance with Chapter 1.070.090.C.

1.140.030 Expiration of Approval: Standards for Extension of Time.

- A. Approval of a conditional use by the Planning Commission shall be void if:
1. Substantial construction of the approved plan has not begun within a 1½-year period; or
 2. Construction on the site is a departure from the approved plan.
 3. If project is not completed (Certificate of Occupancy/Compliance) by 3 years, then reapplication is required.
- B. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year provided that:
1. No changes are made on the original conditional use plan as approved by the Planning Commission;
 2. The applicant can show intent of initiating construction on the site within the 1 year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Section 1.070.310.

1.140.035 Phased Development or Existing Development.

- A. The Planning Commission shall approve a time schedule for developing a site in phases over a period of time of 1 year, but in no case shall the total time period for all phases be greater than 3 years without reapplying for conditional use review.

- B. The criteria for approving a phased conditional use review proposal is that all of the following are satisfied:
1. The public facilities shall be constructed in conjunction with or prior to each phase;
 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - a. A temporary public facility is any facility not constructed to the applicable City or district standard;
 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required by approved development proposal; and
 4. The Planning Commission's decision may be appealed as provided by 1.070.310.B. No notice need be given of the Planning Commission's decision.

1.140.040 Approval Standards and Conditions.

- A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
1. The site size and dimensions provide adequate area for the needs of the proposed use;
 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
 3. All required public facilities have adequate capacity to serve the proposal;
 4. The applicable requirements of the zoning district are met except as modified by this chapter;
 5. The supplementary requirements set forth in Chapter 1.122, Signs, and Section 1.128, Approval Standards, if applicable, are met; and
 6. The use will comply with the applicable policies of the comprehensive plan.
- B. An enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 1.128.

- C. The Planning Commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to the following:
1. Limiting the hours, days, place, and manner of operation;
 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
 3. Requiring additional setback areas, lot area, or lot depth or width;
 4. Limiting the building height, size or lot coverage, or location on the site;
 5. Designating the size, number, location, and design of vehicle access points;
 6. Requiring street right of way to be dedicated and the street to be improved;
 7. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
 8. Limiting the number, size, location, height, and lighting of signs;
 9. Limiting or setting standards for the location and intensity of outdoor lighting;
 10. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location, and materials for fences; and
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas;

1.140.050 Major Modification to Approved Plans or Existing Development.

- A. An applicant may request approval of modification to an approved plan by:
1. Providing the Director with 5 copies of the proposed modified conditional use plan; and
 2. A narrative addressing the proposed changes as listed in Subsection B below.
- B. The Director shall determine that a major modification(s) will result if 1 or more of the changes listed below have been proposed:

1. A change in land use;
 2. An increase in dwelling unit density;
 3. A 10 percent change in the ratio of the different types of dwelling units to the number of units;
 4. A change in the type of commercial or industrial structures;
 5. A change in the type and location of accessways and parking areas where off-site traffic would be affected;
 6. An increase in the floor area proposed for nonresidential use by more than 10 percent where previously specified;
 7. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space;
 8. A reduction of specified setback requirements by more than 20 percent;
 9. An elimination of project amenities by more than 10 percent where previously specified provided such as:
 - a. Recreational facilities;
 - b. Screening; or
 - c. Landscaping provisions; and
 10. A 10 percent increase in the approved density.
- C. Upon the Director determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application in accordance with Section 1.140.070 for conditional use approval.
- D. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.

1.140.060 Minor Modification(s) to Approved Plans or Existing Development.

- A. Any modification which is not within the description of a major modification as provided in Section 1.140.050 shall be considered a minor modification.

- B. An applicant may request approval of a minor modification:
 - 1. Providing the Director with 3 copies of the proposed modified conditional use plan; and
 - 2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Subsection 1.140.050.B.
- C. A minor modification shall be approved, approved with conditions or denied following the Director's review based on the findings that:
 - 1. No code provisions will be violated; and
 - 2. The modification is not a major modification.
- D. Notice of the Director's decision shall be given as provided by Section 1.070.120. The decision may be appealed as provided by Subsection 1.070.310.A.

1.140.070 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 - 1. Copies (number to be determined at the pre-application conference) of the site development plan(s) and necessary data or narrative which explains how the development conforms to the standards:
 - a. Conditional use site plan(s) shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - b. The scale for a site plan shall be an engineering scale; and
 - c. All drawings of structure elevations shall be a standard architectural scale, being ¼ inch or C inch; and
 - 2. The required fee.
- B. The required information may be combined and does not have to be placed on separate maps.
- C. The conditional use plan, data, and narrative shall include the following:
 - 1. Existing site conditions, Section 1.140.080;

2. A site plan, Section 1.140.090;
3. A grading plan, Section 1.140.100;
4. A landscape plan, Section 1.140.120;
5. Architectural elevations of all structures, Section 1.140.110;
6. A sign plan, Section 1.140.130; and
7. A copy of all existing and proposed restrictions or covenants.

1.140.080 Site Conditions.

- A. The site analysis drawings shall include:
1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops, and utility locations;
 2. The site size and its dimensions;
 3. Contour lines at 2-foot intervals for grades 0 to 10 percent and less and 5-foot intervals for grades over 10 percent;
 4. The general location of drainage patterns;
 5. The general location of natural hazard areas including:
 - a. Floodplain areas (100-year floodplain and flooding);
 - b. Slopes in excess of 25 percent;
 - c. Unstable ground (areas subject to slumping, earth slides or movement);
 - d. Areas having a high seasonal water table within zero to 24 inches of the surface for 3 or more weeks of the year;
 - e. Areas having a severe soil erosion potential; and
 - f. Areas having severe weak foundation soils;
 6. The general location of natural resource areas as shown on the comprehensive plan map inventory data;

7. The general location of site features including:
 - a. Rock outcroppings; and
 - b. Trees with 6-inch caliper or greater measuring 4 feet from ground level;
8. The location of existing structures on the site and proposed use of those structures; and
9. The location and type of noise sources on the site or on adjoining property such as traffic ways, mechanical equipment, or noise producing land uses.

1.140.090 The Site Plan.

- A. The proposed conditional use plan shall be at the same scale as the site conditions and shall include the following information:
 1. The proposed site and surrounding properties;
 2. Contour intervals (see Subsection 1.140.080.A.3);
 3. The location, dimensions and names of all:
 - a. Existing streets; and
 - b. Proposed streets;
 4. The location and dimensions of:
 - a. Entrances and exits on the site;
 - b. Parking and circulation areas;
 - c. Loading and services areas, if applicable;
 - d. Pedestrian and bicycle circulation, if applicable;
 - e. Outdoor common areas, if applicable; and
 - f. Above ground utilities;
 5. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements, and utilities which are:

- (1) Located within 25 feet of the site and are on adjoining property;
and
 - (2) To remain on-site;
- b. Proposed structures, improvements, and utilities on the site;
6. The location of areas to be landscaped;
7. The location of proposed utility lines;
8. The location of mailboxes;
9. The location of all structures and their orientation; and
10. The location and type of outdoor lighting considering crime prevention techniques.

1.140.100 Grading Plan.

- A. The site development plan shall include a grading plan at the same scale as the site analysis drawings and shall contain the following information:
 1. Requirements in Sections 1.140.080 and 1.140.090;
 2. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals; and
 3. A statement from a registered engineer supported by factual data substantiating:
 - a. The validity of the slope stabilization proposals; and
 - b. That all problems will be mitigated and how they will be mitigated.

1.140.110 Architectural Drawings.

- A. The conditional use plan proposal shall include:
 1. The square footage of all structures proposed for use on-site; and
 2. Preliminary elevation drawings of each structure.

1.140.120 Landscape Plan.

- A. The conditional use plan proposal shall include:
 - 1. The general location of fences, buffers, and screenings;
 - 2. The general location of play areas and common open spaces;
 - 3. The general location of existing and proposed plant materials; and
 - 4. Location of underground sprinkler heads where applicable.
- B. The landscape plan shall include a narrative which addresses:
 - 1. Soil conditions; and
 - 2. Erosion control measures that will be used.

1.140.130 Sign Drawings.

Drawings indicating sign location shall be submitted in accordance with Chapter 1.122.

1.140.140 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B.

1.140.150 Standard Dimensional Requirements for Conditional Use Types.

- A. A conditional use proposal shall comply with the standards of the zoning district in which it is located and the applicable provisions of this code, or as otherwise provided in standards that follow.
- B. A conditional use permit shall not grant variances to the regulations otherwise prescribed by this code. A variance application may be filed in conjunction with the conditional use application and both applications may be heard at the same hearing.

- C. The additional dimensional requirements and approval standards for conditional use are as follows:
1. Adult Entertainment: An establishment used primarily for the presentation of motion pictures, live persons, or video tapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting specified sexual activities or specified anatomical areas.
 - a. No adult entertainment establishment shall be permitted to locate within 1000 feet of any:
 - (1) Residential district;
 - (2) Public or private nursery, preschool, elementary, junior, middle, or high school;
 - (3) Day care center, nursery school, convalescent home, home for the aged, resident care facility, or hospital;
 - (4) Public library;
 - (5) Public park; or
 - (6) Religious institution;
 - b. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the use, to the closest portion of the residential district or property line upon which a use specified in paragraph (a) above is listed and currently exists;
 - c. Any sign shall comply with the sign requirements, Chapter 1.122;
 - d. Hours of operation shall be limited to 10:00 a.m. to 1:00 a.m.;
 - e. All windows less than 7 feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use;
 - f. Doors and windows shall at all times be closed except for normal ingress and egress; except for emergency exits, the doors shall be doubled, chambered or air lock concept;

- 6. Community Recreation and Parks:
 - a. Setbacks:
 - (1) All building setbacks shall be a minimum of 30 feet from any property line;
 - b. Off-street parking requirements, as necessary (See Chapter 1.114);

7. Drive-Up Service (See Section 1.114.060 for additional requirements):

- a. Minimum Setbacks: Where access to the drive-up service is not separated from abutting properties or public right of way by parking, structures, or landscaping visual screening shall be provided to screen headlights from abutting property and right of way;
- b. Drive-in Service Reservoir Requirement. All uses providing drive-in service as defined by this code shall provide on the same site a reservoir for inbound vehicles as follows:

<i>Use</i>	<i>Reservoir Requirement</i>
Drive-in banks	5 spaces/service terminal
Drive-in restaurants	10 spaces/service window
Drive-in theaters	10% of the theater capacity
Gasoline service	3 spaces/pump stations
Mechanical car washes	3 spaces/washing unit

- c. Reservoir Parking. Restaurants providing drive-up window service shall provide at least 2 designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked;
- d. Hours of Operation. Hours of operation shall be limited for the drive-in window when the property with the drive-in window facility abuts a residential use. In this case, hours of the drive-in window shall be limited to 6:00 a.m. to 10:00 p.m.;
- e. Walk-up Service. Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e. not allowing transactions within the structure), shall provide for safe, convenient, and readily accessible exterior walkup window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, 2 parking spaces

- shall be provided allowing convenient access to the walk-up service window;
- f. Emergency Exit. The design of the vehicle stacking area serving the drive-up window shall allow customers to leave the stacking line in their vehicle in the event of an emergency;
 - g. Pedestrian Access. On-site parking for walk-in customers shall be designed so that pedestrians do not have to cross drive-up window stacking lines to any public entrances into the building;
 - h. Obstruction of Rights-of-way. Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way are not obstructed; and
 - i. Sound Systems. Communications sound systems shall not exceed a measurement of 50 decibels at the adjoining property line(s) at anytime.
8. Hospitals, Nursing Homes, etc.:
- a. The yard must be at least 25 percent landscaped;
9. Industrial Park:
- a. The minimum lot size is 40,000 square feet;
 - b. Minimum of provisions for 3 or more businesses; and
 - c. At least 30 percent of the businesses must be in the list of Light Industrial permitted uses.
10. Neighborhood Store/Plaza:
- a. The maximum gross floor area is 2,500 square feet;
 - b. The type of uses are limited to food sales, coffee or deli shops, and personal services (barber/beauty shop);
 - c. The exterior must be generally the same as immediate neighbors;
 - d. No buffer or extra setback is required but screening and landscaping are required per Chapter 1.108. The minimum landscaping shall be 25 percent of the lot area;
 - e. On site parking is required;

- f. Signs are limited to those allowed in residential zones; and
 - g. The location must abut a minor arterial;
11. Religious Assembly:
- a. Setbacks:
 - (1) The front yard setback shall be a minimum of 20 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 20 feet, plus meet visual clearance areas, Chapter 1.110;
 - (3) The side yard setback shall be a minimum of 20 feet; and
 - (4) The rear yard setback shall be a minimum of 20 feet;
12. Schools:
- a. Lot Size:
 - (1) There shall be no minimum lot size requirements for schools other than what is required for the applicable zoning district;
 - b. Setbacks:
 - (1) The front yard setback shall be a minimum of 30 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 20 feet on any side facing a street, plus meet visual clearance areas, Chapter 1.110;
 - (3) The side yard setback shall be a minimum of 20 feet; and
 - (4) The rear yard setback shall be a minimum of 30 feet;
13. Travel Trailer Parks:
- In addition to the standards of the zone in which it is located and other references in this Code, travel trailer parks shall comply to the standards of this subsection. If there is a conflict between the two standards, the standards of this subsection shall govern.

- a. Trailer parks shall be located on well-drained sites, and shall be so located that their drainage shall not endanger any life or property. All such trailer parks should be located in areas free from marshes, swamps, or other potential breeding places for insects or rodents;
- b. The area of the trailer park shall be large enough to handle: the designated number of trailer spaces, necessary streets and drives, off-street parking, service areas, recreation areas, and setbacks;
- c. Each trailer space shall contain a minimum of 1,200 square feet, except that at the option of the owner, the minimum size may be 1,000 square feet if an area of 100 square feet for each trailer space is provided for recreation. Each trailer space shall be a minimum of 25 feet in width, and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Trailers shall be located in such spaces with a minimum of 15 feet between trailers, or between a trailer and any building;
- d. No trailer shall be located less than 5 feet from a side or rear property line;
- e. No trailer shall be located less than 25 feet from any street or highway, or so that any part of such trailer will obstruct any drive or walkway;
- f. No trailer shall remain in a trailer park unless a trailer space is available, and then only for a maximum of 30 consecutive days;
- g. Access drives shall be provided to each trailer space, shall be continuous, shall connect with a street, and shall have a minimum width of 20 feet, with a minimum total width of 36 feet for exterior connections;
- h. Improved walkways, not less than 2 feet in width, shall be provided from each trailer space to service buildings;
- i. Access drives within the park shall be paved according to the City's Developmental Standards;
- j. Off-street parking shall be provided with a minimum of 1½ parking spaces for each trailer space. Minimum width access drives shall not be considered in fulfilling this requirement;
- k. Recreation areas which may be provided according to Subsection c, shall be suitably equipped, maintained and restricted to such uses. Such areas shall be protected from streets, drives and parking areas. The minimum size of each such recreation area shall be 2,500 square feet;

- l. No permanent additions of any kind shall be built onto, nor become part of, any trailer. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground;
 - m. Permanent structures located within any trailer space shall be used for storage purposes only, shall have a maximum area of 25 square feet, shall be located not less than 6 feet from any trailer, and shall be subject to all applicable City Building Codes;
 - n. Wheels of trailers shall not be removed, except temporarily when in need of repairs; the wheels or jacking system must be attached to the site only by quick disconnect type utilities and security devices; and
 - o. A sight-obscuring fence of not less than 8 feet in height shall be provided along any lot line which abuts or faces a more restricted residential district;
- 14. All freestanding and detached towers, antennas, wind generating devices and TV receiving dishes in residential zones shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscape planting screen, in accordance with Chapter 1.108, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments; and
- 15. Vehicle Fuel Sales:
 - a. Lot size: minimum of 10,000 square feet;
 - b. Setbacks:
 - (1) The front yard setback shall be 20 feet;
 - (2) On corner and through lots, the setback shall be 20 feet on any side facing a street; and
 - (3) No side or rear yard setback shall be required, except 40 feet, to include buffer and screening, where abutting a residential zoning district;
 - c. Fuel tank installation shall be in accordance with applicable sections of this code; and
 - d. Building height: same as applicable zone;

Chapter 1.142 NONCONFORMING SITUATIONS.

Sections:

- 1.142.010 Purpose.**
- 1.142.020 Administration: Determination of Nonconforming Use Status.**
- 1.142.030 Pending Building Permits.**
- 1.142.040 Criteria for Nonconforming Situations.**
- 1.142.050 Repairs and Maintenance.**

1.142.010 Purpose.

- A. Within the districts established by this Code or amendments that may later be adopted, there may exist lots, uses of land, and structures which were lawful before the effective date of this Code, but which would be prohibited, regulated or restricted under the terms of this Code or future amendments.
- B. It is the purpose and intent of this chapter to permit these nonconforming lots, structures, and uses to continue but to disallow the enlargement, expansion or extension of such with some exceptions.
- C. Nonconforming lots, uses and structures are incompatible with the comprehensive plan and, as such, would not currently be allowed in the zoning district involved.

1.142.020 Administration: Determination of Nonconforming Use Status.

- A. Upon written request, such as a building permit or land use application, the Director shall make a written determination regarding nonconforming status.
- B. Upon application and payment of fees, the decision of the Director may be appealed as provided by Subsection 1.070.310 A.

1.142.030 Pending Building Permits.

- A. In order to avoid undue hardship, nothing in this chapter requires any change in the location, plans, construction, size, or designated use of any building, structure, or part thereof, for which a required City building permit has been legally granted prior to enactment of this code.

- B. If a building permit is revoked or for any reason becomes void, all rights granted by this chapter are extinguished and the project shall thereafter be required to conform to all the provisions of this code.

1.142.040 Criteria for Nonconforming Situations.

A. Nonconforming Lots of Record:

1. Except as provided in Subsection A.2 below and Subsections B and C, no nonconforming lot of record at the effective date of this code or amendment thereto shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended or reconstructed;
2. If on the date of adoption of this code a legally constituted lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:
 - a. Be occupied by one use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or
 - b. Be occupied by single-dwelling units and accessory structures if located in a residential zoning district; the house may be rebuilt on the same size, or smaller, footprint if destroyed by fire or natural disasters over 60 percent of value (any changes to the footprint must meet all setbacks and other regulations of the zone);
3. In any district, construction on a single nonconforming lot of record existing at the effective date of this code or amendment thereto, notwithstanding limitations imposed by other provisions of this code, are subject to the following:
 - a. The nonconforming lot shall be in a separate ownership and not contiguous with other lots in the same ownership; and
 - b. All setback, height and other applicable provisions of the zoning district shall be satisfied;
4. If two or more lots, or combinations of lots and portions of lots in single ownership are of record at the effective date of this code and are made nonconforming as to lot area, width, or depth by this code the lots involved shall be considered to be an undivided parcel for the purposes of this code; and
 - a. No portion of the aggregated parcels shall be conveyed, transferred, or used in any manner which violates or creates a violation of this code; and

- b. No division of the parcel shall be made which creates any lot remaining with the area, width or depth which does not meet the requirements of this code.

B. Criteria For Nonconforming Uses of Land:

- 1. Where at the time of adoption of this code a lawful use of land exists which would not be permitted by the regulations imposed by this code, and where such use involves no structure or building other than a single sign or accessory structure, the use may be continued as long as it remains otherwise lawful, provided:
 - a. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this code;
 - b. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this code;
 - c. The nonconforming use of land is not discontinued for any reason for a period of more than 6 months;
 - d. If the use is discontinued or abandoned for any reason for a period of 6 months any subsequent use of land shall conform to the regulations specified by this code for the zone in which such land is located; and
 - e. For purposes of this section, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - (1) On the date when the use of land is vacated;
 - (2) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - (3) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; and
 - (4) On the date a request for final reading of water and power meters is made to the applicable utility districts;
 - f. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

C. Nonconforming Structures:

1. Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the requirements of this code or will decrease its nonconformity;
 - b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60 percent of its current value as assessed value by the Columbia County assessor, it shall not be reconstructed except in conformity with the provisions of this code, except Subsection 1.142.040.A.2.b; and
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

D. Nonconforming Use of Structures:

1. If a single lawful use contained in a single structure involving that structure or structure and premises in combination (except for a single, accessory structure) existed as of the adoption date of this Code, it would not be allowed in the zoning district in which it is located, or which is nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this code or amendment thereto) the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this code in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;
 - b. Any nonconforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building;

- c. A change of use for a single use in a single structure may occur under the following conditions:
 - (1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 for the purpose of establishing the use classification as listed in any of the permitted use subsections of this code;
 - (2) The new use is within the registered permitted use classification; and
 - (3) The new use conforms to the zoning ordinance provisions;
 - d. When a nonconforming use of a structure and premises is discontinued or abandoned for 6 months the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:
 - (1) On the date when the structure or premises is vacated;
 - (2) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - (3) On the date of termination of any lease or contract under which the nonconforming use has occupied the premises; or
 - (4) On the date a request for final reading of water and power meters is made to the applicable utility districts;
 - e. Where a nonconforming use status applies to a structure and premises, removal, or destruction of the structure shall eliminate the nonconforming use status of the land:
 - (1) Destruction for the purpose of this subsection is defined as damage to an extent of more than 60 percent of its current assessed value by the Columbia County assessor; and
 - (2) Any subsequent use shall conform fully to all provisions of the zoning district in which it is located;
2. If a single structure or a structure and premises containing a number of lawful uses (except for a single accessory structure) existed as of the adoption date of this Code, and those uses would not be allowed in the zoning district in which

they are located, or which are nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this chapter or amendment thereto), the lawful uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this code in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;
- b. Any nonconforming use may be extended throughout any existing parts of a building which was manifestly arranged or designed for such use as of the adoption date of this Code, but no such use shall be extended to occupy any land outside such building except as limited by Subsection (e) below;
- c. A change of use may occur as follows:
 - (1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 below for the purpose of establishing the use classification as listed in any of the permitted use subsections of this code;
 - (2) The new use is within the registered use classifications;
 - (3) The new use does not cause an increase in the total number of square feet in the registered use classification; or
 - (4) The new use conforms to the zoning ordinance provisions;
- d. Where a structure had vacant units as of the adoption date of this Code, such vacant spaces shall be classified with the most restrictive use classification applicable to the structure; and
- e. When the use of the structure, including all uses, is discontinued or abandoned for 3 months, the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:

- (1) The vacation of the structure or premises, or
 - (2) The making of a request for final reading of water and power meters to the applicable utility districts;
3. Nonconforming use may be registered with the Director upon proof that the use was in lawful existence as of the adoption date of this Code.
 4. The provisions of Section 1.142.040 shall not be interpreted as granting an owner of a nonconforming use a vested right. The provisions of the section may be revised in a manner which does not change the rights granted by this section under this chapter.
 5. Ongoing home occupations may be granted nonconforming status provided it can be proven that they were:
 - a. Permitted under County authority prior to annexation to the City and have been in continuous operation since initial approval;
 - b. Permitted under City authority prior to the adoption date of this Code, and have since been in continuous operation; or
 - c. Home occupations without City or County approval which cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been granted.

1.142.050 Repairs and Maintenance.

- A. On any nonconforming structure or portion of a structure containing a nonconforming situation, normal repairs, or replacement on nonbearing walls, fixtures, wiring, or plumbing may be performed in a manner not in conflict with the other provisions of this chapter.
- B. Nothing in this code prevents the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

1.142.060 Uses under Conditional Use Provisions Not Nonconforming Uses.

- A. A permitted use existing before the effective date of this ordinance which, under the provisions of this code, is now permitted only upon receiving a conditional use permit under the terms of this code shall not be deemed a nonconforming use in such zoning district if it otherwise conforms to the standards of this code, but shall without further

action be considered a conforming use subject to the provisions applicable to conditional uses.

- B. Enlargement, extension, reconstruction, or moving of such use shall only be allowed subject to the provisions for conditional use as contained in Chapter 1.140.

Chapter 1.144 VARIANCE.

Sections:

- 1.144.010 Purpose.**
- 1.144.020 Applicability of Provisions.**
- 1.144.030 Administration and Approval Process.**
- 1.144.040 Expiration of Approval: Standards for Extension of Time.**
- 1.144.050 Criteria for Granting a Variance.**
- 1.144.060 Application Submission Requirements.**
- 1.144.070 The Site Plan.**
- 1.144.080 Exceptions to Site Development Review Standards.**

1.144.010 Purpose.

The purpose of this Chapter is to provide the following:

- A. Standards for the granting of variances from the applicable zoning requirements of this code where it can be shown that, owing to special and unusual circumstances related to a specific piece of the land, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted; and
- B. For the reduction of the yard setback areas where a reduction is necessary to enlarge an existing structure.

1.144.020 Applicability of Provisions.

- A. The variance standards are intended to apply to individual platted and recorded lots/parcels only.
- B. An applicant who is proposing to vary a specification standard for lots yet to be created through a subdivision process may not utilize the variance procedure unless otherwise specified in Chapter 1.170, Land Division: Subdivision.
- C. The provisions of this chapter shall apply to building setback requirements in all zoning districts.

1.144.030 Administration and Approval Process.

- A. The applicant for a variance shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff shall be required.
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for no more than 6 months:
 - 1. Another pre-application conference is required if any variance application is submitted 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standard, criteria or requirements of the applications.
- D. The Director shall approve, approve with conditions, or deny any application for a variance. The Director shall apply the standards set forth in Section 1.144.050 when reviewing an application for a variance.
- E. The decision of the Director may be appealed in accordance with Subsection 1.070.310.A.
- F. The Director shall mail notice of any variance decision to persons who are entitled to notice in accordance with Section 1.070.130.

1.144.040 Expiration of Approval: Standards for Extension of Time.

- A. Approval of a variance shall be void unless:
 - 1. Substantial construction of the approved plan has begun within a 1 year period; or
 - 2. Construction on the site is a departure from the approved plan.
- B. The Director shall, upon written request by the applicant and payment of the required fee grant an extension of the approval period not to exceed 1 year; provided that:
 - 1. No changes are made on the original variance plan as approved by the Director;

2. The applicant can show intent of initiating construction on the site within the 1-year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision shall be provided to the applicant. The decision of the Director may be appealed by the applicant as provided by Section 1.070.310.A.

1.144.050 Criteria for Granting a Variance.

- A. The Director shall approve, approve with conditions, or deny an application for a variance based on finding that the following criteria are satisfied:
1. The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this Code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
 2. There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
 3. The use proposed will be the same as permitted under this code and City standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
 4. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in the code; and
 5. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- B. The Director shall approve, approve with modifications, or deny an application for an access variance in accordance with the criteria set forth in Section 1.116.150.
- C. The Planning Commission shall approve, approve with modifications, or deny an application for a subdivision variance subject to the criteria set forth in Section 1.170.120.

- D. The setback requirements in the applicable zone may be reduced up to 20 percent provided the following standards are satisfied:
1. The reduction of the setback area established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing building;
 2. The garage setback to the front property line satisfies the requirements of the applicable zoning district;
 3. The standards of Chapter 1.110, Visual Clearance, shall be satisfied;
 4. The resulting lot coverage shall not exceed the maximum lot coverage of the base zone;
 5. The proposed building or addition shall not encroach upon any existing easements;
 6. When the proposed building or addition is within the rear yard, the setback adjacent to the rear property line shall be landscaped with sight obscuring plantings in accordance with the standards set forth in Section 1.108.080, Landscaping and Screening; and
 7. Setback, buffering and screening requirements that apply when commercial and industrial zones abut a residential zone shall be satisfied.

1.144.060 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
1. Copies of the variance site plan(s) and necessary data or narrative (number to be determined at the pre-application conference), which explains how the development conforms to the standards:
 - a. Sheet size for a variance site plan and required drawings shall preferably not exceed 18 inches x 24 inches;
 - b. The scale of the site plan shall be an engineering scale; and
 - c. All drawings of structure elevations shall be a standard architectural scale, being ¼ inch or C inch;
 2. The required fee.

- B. The required information may be combined and does not have to be placed on separate maps.
- C. The variance site plan, data, and narrative shall include the following:
 - 1. A site plan, Section 1.144.070; and
 - 2. A copy of all existing and proposed restrictions or covenants.

1.144.070 The Site Plan.

- A. The proposed variance site plan shall include the following information:
 - 1. The proposed site and surrounding properties;
 - 2. The location, dimensions and names of all existing streets;
 - 3. The locations and dimensions of:
 - a. Entrances and exits on the site;
 - b. Parking and circulation areas;
 - c. Loading and services areas;
 - d. Pedestrian and bicycle circulation;
 - e. Outdoor common areas;
 - f. Above ground utilities; and
 - g. Existing landscaping;
 - 4. The location, dimensions and setback distances of all:
 - a. Existing structures, improvements and utilities which are located within 25 feet of the sites and are on adjoining property; and
 - b. Proposed structures, improvements, landscaping, and utilities on the site.
- B. In the case of a request for a variance to the building height provisions of Section 1.106:

1. An elevation drawing of the structure and the proposed variances; and
2. A drawing(s) to scale showing the impact on adjoining properties; for example, will the height variance if granted, block a viewpoint from an adjoining property of a significant land feature.

1.144.080 Exceptions to Site Development Review Standards.

- A. The Director may grant an exception to the setback yard requirements in the applicable zone based on findings that the approval will result in the following:
 1. An exception which is not greater than 20 percent of the required setback;
 2. No adverse effect to adjoining properties in terms of light, noise levels, and fire hazard;
 3. No reduction in safety for vehicular and pedestrian access to the site and on-site;
 4. A more efficient use of the site which would result in more landscaping; and
 5. The preservation of natural features which have been incorporated into the overall design of the project.
- B. The Director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:
 1. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which has a demonstrated low demand for off-street parking;
 2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
 3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.
- C. The Director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for

example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any 1 or more of the following findings:

1. There is direct access by a pedestrian path, not exceeding $\frac{1}{4}$ mile, from the proposed development to public open space or recreation areas which may be used by residents of the development;
 2. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or
 3. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the 2 areas equal or exceed the combined standard for both.
- D. The Director shall grant an exception to the landscaping requirements of this code, Section 1.128.150, upon finding that the overall landscape plan provides for at least 20 percent of the gross site to be landscaped.
- E. The Director's decision may be appealed as provided by Subsection 1.070.310.A. No notice of the Director's decision need be given.

Chapter 1.150 ESTABLISHED AREA: DEVELOPING AREA CLASSIFICATION.

Sections:

- 1.150.010 Purpose.**
- 1.150.020 Definitions.**
- 1.150.030 Criteria for Inclusion.**
- 1.150.040 Designations.**
- 1.150.050 Administration and Approval Process.**

1.150.010 Purpose.

- A. The purpose of this chapter is to provide standards for the classification of land as it is annexed to the City.
- B. The intent of the comprehensive plan is that land within the City will not be reclassified except as a part of the plan update process. Any changes to the established and developing area boundaries shall comply with ORS 197.295(1).

1.150.020 Definitions.

- A. Established Area:
 - 1. An established area is an area where the land is not classified as buildable land under OAR 660-08.0005; and
 - 2. An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land.
 - 3. An area shown on a zone map or overlay map as an Established Area.
- B. Developing Area:
 - 1. A developing area is an area which is included in the City's buildable land inventory under the provisions of OAR except as provided by Subsection A.2.

1.150.030 Criteria for Inclusion.

- A. All land which is annexed to the City shall be classified as an established area or as a developing area on the plan map and on the zoning map.
- B. The decision shall be based on definition of the areas as set forth in Section 1.150.020.

1.150.040 Designations.

An established area or developing area designation shall be placed on the plan map and on the zoning map upon approval of the designation.

1.150.050 Administration and Approval Process.

- A. The applicant for annexation to the City shall apply for a land classification concurrently with the annexation application.
- B. The application shall be processed in the same manner as a zone change application under the provisions of Chapter 1.070.
- C. The applicant shall provide the City with the following information:
 - 1. A map showing the land and uses surrounding the property to be annexed, conforming to the following standards:
 - a. Sheet size indicating the area of the proposed established or developing area map change plan(s) and required drawings shall be drawn on sheets preferably not to exceed 18 inches by 24 inches; and
 - b. The scale of the site plan shall be an engineering scale;
 - 2. The required fee.
- D. The necessary data or narrative shall indicate:
 - 1. The number of acres to be included into the proposed established or developing area;
 - 2. The number of lots;
 - 3. The units/acre within the area;

4. The general character of the area; and
5. The location and dimensions of all existing streets.

Chapter 1.152 TEMPORARY USES.

Sections:

- 1.152.010 Purpose.**
- 1.152.020 Administration and Approval Process.**
- 1.152.030 Expiration of Approval - Renewal.**
- 1.152.040 Emergency Situations.**
- 1.152.050 Temporary Use: Seasonal or Special Event.**
- 1.152.060 Temporary Use: Unforeseen/Emergency Situations.**
- 1.152.070 Standards for Approval of a Temporary Sales Office, Model House, or Temporary Building.**
- 1.152.080 Application Submission Requirements.**

1.152.010 Purpose.

- A. The purpose of this chapter is to establish standards for the approval of 3 types of temporary use:
 - 1. Use that is seasonal or directed toward a specific event;
 - 2. Use which is occasioned by an unforeseen event; and
 - 3. Sales offices and model homes in conjunction with the sale of homes.
- B. This chapter is not intended to be a way to circumvent the strict application of the use districts. Therefore, time limits are to be strictly enforced. This chapter is not intended to apply to garage sales.

1.152.020 Administration and Approval Process.

- A. The applicant for a temporary use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required (See Section 1.070.040).
- C. Due to possible changes in State statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for no more than 6 months, and:

1. Another pre-application conference is required if any temporary use application is submitted 6 months after the pre-application conference; and
 2. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standard criteria or requirements applicable to the applications.
- D. The Director shall approve, approve with conditions, or deny any application for a temporary use as provided by 1.070.090. The Director shall apply the standards set forth in sections of this code when reviewing an application.
- E. The Director shall mail notice of any temporary use proposal decision to persons who may have the right to request a hearing before the Commission in accordance with Section 1.070.120.

1.152.030 Expiration of Approval - Renewal.

- A. Temporary Use approval by the Director shall be effective for a period of up to 1 year unless otherwise stipulated by the approval.
- B. The Temporary Use approval by the Director shall lapse if:
1. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; and
 2. Construction or activity on the site is a departure from the approved plan.
- C. A temporary use approval may be renewed once by the Director for a period not to exceed 1 year. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.
- D. A permit for temporary sales offices and model homes may be renewed on an annual basis in the same manner as if it were an original application as long as no more than 50 percent of the total number of dwelling units have been issued Occupancy Permits.

1.152.040 Emergency Situations.

The Director may waive any of the requirements in this chapter or request additional information in accordance with Section 1.070.080 for cases which involve destruction of an existing structure due to fire, natural causes, or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subsection shall not include failure by the applicant to submit a temporary use request as provided in this chapter.

1.152.050 Temporary Use: Seasonal or Special Event.

A. Definition:

1. This type of temporary use is a use which by its nature will last less than 1 year. Examples of this type of use are uses associated with the sale of goods for a specific holiday, activity, or celebration, uses associated with construction or seasonal use. This type of use does not apply to businesses seeking a temporary or interim location;
2. Very short term temporary uses must meet criteria listed below but no notice shall be sent for anything less than 11 days per six month period by the same organization; and
3. A property owner is allowed only two temporary uses per calendar year on their property.

B. Types of Use Permitted

1. Use associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;
2. Use associated with the sale of fresh fruits, produce, and flowers;
3. Use associated with festivals or celebrations or special events;
4. Seasonal activities such as the sale of food at sports events or activities;
5. Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided by Section 1.152.070; and
6. Temporary fund raising and other civic activities in commercial zoning districts.

C. Approval Criteria:

1. Approval or approval with conditions shall be based on findings that all of the following criteria are satisfied:
 - a. The temporary use is limited in duration by the purposes for which the permit is sought such as parade stands, circus, fairs or other exhibitions,

sales of goods, wares, merchandise, produce or Christmas trees, and other similar temporary needs;

- b. There exists adequate and safe ingress and egress when combined with the other use of the property as required by Chapter 1.116, Access, and Chapter 1.110, Visual Clearance;
- c. There exists adequate parking for the customers of the temporary use as required by 1.114 Off-Street Parking. Exceptions to the parking space surface requirements may be granted as set forth in Subsection 1.114.050.J;
- d. The use will pose no hazard to pedestrians in the area of the use; and
- e. The use will not create adverse off-site impacts including noise, odors, vibrations, glare, or lights which will affect adjoining use, in a manner which other use allowed outright in the zone, would not affect adjoining uses.

1.152.060 Temporary Use: Unforeseen/Emergency Situations.

A. Definitions:

- 1. This type of temporary use is a use which is needed because of an unforeseen event such as fire, windstorm or flood, unexpected health or economic hardship, or due to an eviction resulting from condemnation or other proceedings.

B. Types of Use Permitted:

- 1. A mobile home or other temporary structure for a residential purpose in a residential zone;
- 2. A mobile home or other temporary structure for a business purpose in a commercial or industrial zone; and
- 3. Use of an existing dwelling or mobile or manufactured home during the construction period of a new residence on the same lot.

C. Approval Criteria:

1. Approval or approval with conditions shall be based on findings that 1 or more of the following criteria are satisfied:
 - a. The need for use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a preexisting structure or facility previously occupied by the applicant on the premises for which the permit is sought;
 - b. The use of a mobile or manufactured home on a lot with an existing dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention who would otherwise be required to receive needed attention from a hospital or care facility;
 - c. The applicant has been evicted within 60 days of the date of the application from a preexisting occupancy of the premises for which the permit is sought as a result of condemnation proceedings by a public authority, or eviction by abatement of nuisance proceedings, or by determination of a public body or court having jurisdiction that the continued occupancy of the facilities previously occupied constitutes a nuisance or is unsafe for continued use; or
 - d. There has been a loss of leasehold occupancy rights by the applicant due to unforeseeable circumstances or other hardship beyond the foresight and control of the applicant;
2. In addition to the criteria listed in Section 1.152.060.C.1., all of the following must be satisfied:
 - a. There exists adequate and safe ingress and egress when combined with the other uses of the property, as required by Chapter 1.116, Access, and Chapter 1.110, Vision Clearance;
 - b. There exists adequate parking for the customers of the temporary use as required by Chapter 1.114, Off-Street Parking;
 - c. The use will not result in congestion on adequate streets;
 - d. The use will pose no hazard to pedestrians in the area of the use;
 - e. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, in a manner which other use allowed outright in the zone, would not affect adjoining use; and

- f. The use can be adequately served by sewer or septic system and water, if applicable.

1.152.070 Standards for Approval of a Temporary Sales Office, Model House, or Temporary Building.

A. Temporary Sales Office:

1. The Director may approve or approve with conditions the use of any real property within the City as a temporary sales office or offices for the purpose of facilitating the sale of real property in any subdivision or tract of land within this City, but for no other purpose, provided the following criteria are satisfied:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

B. Model House:

1. The Director may approve or approve with conditions the use of any real property within the City as a "model house" to be used in connection with the sale of real property in any subdivision or tract of land within the City provided the following criteria are satisfied:
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The property to be used for a model house shall be a permanently designed dwelling structure.

C. Temporary Building:

1. The Director may approve or approve with conditions a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing the following criteria are satisfied:
 - a. The temporary trailer shall be located within the boundaries of the parcel of land on which it is located;

- b. The property to be used for a temporary trailer shall already be developed;
- c. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by 1.116, Access, Egress, and Circulation, and 1.110, Visual Clearance Areas;
- d. There exists adequate parking for the customers or users of the temporary use as required by 1.114, Off-Street Parking;
- e. The use will not result in congestion on adequate streets;
- f. The use will pose no hazard to pedestrians in the area of the use;
- g. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will effect the adjoining uses in a manner which other uses allowed outright in the zone would not affect the adjoining uses; and
- h. The use can be adequately served by sewer or septic system and water, if applicable.

1.152.080 Application Submission Requirements.

- A. The applicant shall submit:
 - 1. Copies for the Director to review of site plan(s) (number determined at pre-application conference), and of the necessary data or narrative which explains how the temporary use proposal conforms to the standards:
 - a. The site plan(s) drawings shall preferably be drawn on sheets not exceeding 18 inches by 24 inches;
 - b. The scale shall be an engineering scale; and
 - c. All drawings of structure elevations shall be a standard architectural scale, being ¼ inch or 1/8 inch;
 - 2. An Assessor's map;
 - 3. One title transfer instrument; and
 - 4. The required fee.

- B. The proposed temporary use site plan shall include the following information (as noted on a pre-application checklist):
1. The proposed site and its structures, driveways, parking, and landscaping areas;
 2. The number and location of all parking spaces to be used in conjunction with the temporary use;
 3. Location of any booth, stand, trailer, or vehicles;
 4. Location of any temporary signs; and
 5. Proposed route, date and time of any parade, or other such event involving the use of the public right of way.
- C. The applicant shall submit a statement which shall contain the following information and documentation (as noted on a pre-application checklist):
1. Letter of acknowledgment from the affected property owner(s) of record on which the temporary use is to occur;
 2. Name of person(s) or organization sponsoring the event;
 3. Brief description of the purpose of the temporary use;
 4. Dates of operation, set-up, and clean-up;
 5. Hours of operation;
 6. Estimated number of cars per day;
 7. Name, mailing address, and phone number of a contact person;
 8. Names, addresses, and phone numbers of any vendors;
 9. Proof of insurance, if required;
 10. Proof of City business license; and
 11. Any other information required by the Director to evaluate the proposal.

Chapter 1.154 HOME OCCUPATIONS.

Sections:

- 1.154.010 Purpose.**
- 1.154.020 Applicability and Exemptions.**
- 1.154.040 General Approval Criteria and Standards.**
- 1.154.050 Type I and Type II Home Occupations Defined.**
- 1.154.060 Permit Procedures for Type I and Type II Home Occupations.**
- 1.154.070 Submission Requirements for Type II Home Occupation Applications.**
- 1.154.080 Conditions Applicable to Type II Home Occupation Approvals.**
- 1.154.090 Revocation and Expiration of Home Occupation Permits.**
- 1.154.100 Action Regarding Complaints and Violation of Standards.**
- 1.154.110 Notice of Decision and Appeals.**
- 1.154.120 Penalties.**

1.154.010 Purpose.

- A. It is the purpose of this chapter to:
 - 1. Permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full-scale enterprise; and
 - 2. Establish approval criteria and standards to ensure that home occupations are conducted as lawful uses which are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

1.154.020 Applicability and Exemptions.

- A. No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

B. Exemptions from the provisions of this chapter are:

1. Garage sales;
2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises. Farming activities shall be consistent with the definition of farming contained in Chapter 1.040 (Definitions);
3. Hobbies which do not result in payment to those engaged in such activity; and
4. Proven nonconforming home occupations as per Subsection 1.142.040.D.5.

1.154.040 General Approval Criteria and Standards.

A. All home occupations except those that have proven nonconforming status shall observe the following criteria in addition to the standards established for Type I and Type II Uses described in Section 1.154.050 of this chapter.

1. Home occupations may be undertaken only by the principal occupant(s) of a residential property;
2. There shall be no more than 3 deliveries per week to the residence by suppliers;
3. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation. Home occupations shall observe the provisions of Chapter 1.098 (Environmental Performance Standards);
4. The home occupation shall be operated entirely within the dwelling unit and any conforming accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed 600 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25 percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes;
5. A home occupation shall not make necessary a change in the Uniform Building Code use classification of a dwelling unit. Any accessory building that is used must meet Uniform Building Code requirements and be in conformance with Chapter 1.156 of this code;

6. More than 1 business activity constituting 2 or more home occupations shall be allowed on 1 property only if the combined floor space of the business activities does not exceed 25 percent of the combined gross floor area of the residence and accessory structure. Each home occupation shall apply for a separate home occupation permit, if required as per this chapter, and each shall also have separate Business Licenses;
7. There shall be no storage and/or distribution of toxic or flammable materials, nor spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the Fire Marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use;
8. No home occupation shall require any on or off-street parking other than that normally required for a residence;
9. The following uses are not allowed as home occupations:
 - a. Auto-body repair and painting;
 - b. Ongoing mechanical repair conducted outside of an entirely enclosed building;
 - c. Junk and salvage operations; and
 - d. Storage and/or sale of fireworks;
10. There shall be no exterior storage of vehicles of any kind used for the business except that 1 commercially licensed vehicle of not longer than 25 feet or taller than 12 feet may be parked outside of a structure or screened area.

1.154.050 Type I and Type II Home Occupations Defined.

- A. Home occupations shall be administered as either Type I or Type II uses. A separate home occupation permit and/or fee is required for each property on which a Type II home occupation is undertaken. In addition to the general criteria outlined in Section 1.154.040, home occupations shall observe the following additional standards:
 1. Type I Home Occupations: A Type I home occupation shall exhibit no evidence that a business is being conducted from the premises. A Type I home occupation shall not permit:

- a. Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;
 - b. Exterior signage which identifies the property as a business location;
 - c. Clients or customers to visit the premises for any reason;
 - d. Exterior storage of materials; or
 - e. No exterior storage of vehicles of any kind primarily used in the business that is obvious by advertising or other features.
2. Type II Home Occupations: Property on which a Type II home occupation is located may show evidence that a business is being conducted from the premises. Therefore the following is allowed for Type II home occupations:
- a. One non-illuminated sign, not exceeding 1.5 square feet, which shall be attached to the residence or accessory structure or placed in a window;
 - b. No more than 1 outside volunteer or employee who is not a principal resident of the premises;
 - c. No more than 6 daily customers or clients. Customers and clients may not visit the business between the hours of 10:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or monopolize on-street parking;
 - d. Storage of materials, goods, and equipment which is screened entirely from view by a solid fence. Storage shall not exceed 5 percent of the total lot area and shall not occur within the front yard or the required side yard setback.

1.154.060 Permit Procedures for Type I and Type II Home Occupations.

- A. Type I and II Home Occupations: A person wishing to engage in a Type I or Type II home occupation must be a principal occupant of the property, pay a one-time review fee to the City, agree to abide by the provisions of this chapter, and acquire an annual Business License.
- B. Additional Permit Procedures for Type II Home Occupations: A person wishing to engage in a Type II home occupation is required to have a pre-application conference with City staff in accordance with Section 1.070.040 and is also required to submit an application and a fee.

1. The decision to approve, approve with conditions, or deny an application for a Type II home occupation permit shall be made by the Director upon findings of whether or not the proposed use:
 - a. Is in conformance with the standards contained in this chapter;
 - b. Will be subordinate to the residential use of the property; and
 - c. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents;
 2. The Director's decision to deny an application or approve it with conditions may be appealed to the Planning Commission; and
 3. Upon approval of a Type II home occupation application, the Director shall issue a preliminary notice of approval and provide notice of the same to the applicant and to property owners within 300 feet of the property line of the proposed use. The decision shall be final within twenty days following the day of mailing of notice unless appealed to the Planning Commission.
- C. Appeals shall be made in accordance with Subsection 1.070.310.A at a cost equal to 60 percent of the City's standard appeal fee.

1.154.070 Submission Requirements for Type II Home Occupation Applications.

- A. An application for a Type II home occupation shall be made on forms provided by the Director and shall be accompanied by:
1. One copy of the applicant's statement or narrative which explains how the proposal conforms to the approval criteria in Sections 1.154.040 and 1.154.050;
 2. The required fee;
 3. A site plan of the property drawn to scale with a north arrow indicated. The site plan shall show all major features of the property including buildings, major vegetation, access for public streets, sidewalks, etc.;
 4. One floor plan of all structures on the property which are to be used for the home occupation(s);
 5. One title transfer instrument; and
 6. Property owner's signature(s) or written authorization.

1.154.080 Conditions Applicable to Type II Home Occupation Approvals.

- A. The Director may impose conditions upon the approval of a Type II home occupation permit to ensure the requirements of this chapter are complied with. These conditions may include, but are not limited to the following:
1. Further limiting the hours, days, place, and manner of operation;
 2. Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
 3. Requiring additional building setbacks, and increased lot area, depth or width;
 4. Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
 5. Designating the size, number, location, and design of vehicle access points;
 6. Requiring street right of way to be free at all times of vehicles associated with the home occupation;
 7. Requiring landscaping, buffering and/or screening, of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
 8. Requiring storm drainage improvements, and surfacing of parking and loading areas;
 9. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
 10. Limiting or setting standards for the location and intensity of outdoor lighting;
 11. Requiring and designating the size, height, location, of fences and materials used for their construction;
 12. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas, and drainage areas;
 13. Limiting the type and number of vehicles or equipment to be parked or stored on the site; and

14. Any other limitations which the Director considers to be necessary or desirable to make the use comply with the purposes stated in Sections 1.154.040 and 1.154.050.

1.154.090 Revocation and Expiration of Home Occupation Permits.

- A. The Director may revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter. The process for revocation shall be as provided for in Section 1.154.100.
- B. A home occupation permit shall become invalid if the applicant moves his or her residence.

1.154.100 Action Regarding Complaints and Violation of Standards.

- A. All home occupations are subject to review by the Director.
- B. Complaints: Complaints may be originated by the City of St. Helens or the public. Complaints shall clearly state the objection to the home occupation, such as:
 1. Generation of excessive traffic;
 2. Exclusive use of on-street parking spaces; or
 3. Other offensive activities not compatible with a residential neighborhood.
- C. Review of Complaints: Complaints shall be reviewed by the Director. The Director shall either approve the continuation of the home occupation use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter. The operator of the home occupation may appeal the Director's decision in accordance with Subsection 1.070.310.A.
- D. Cessation of Home Occupation Pending Review: If it is determined by the Director in exercise of reasonable discretion, that the home occupation in question (being appealed) will affect public health and/or safety, the use may be ordered to cease pending exhaustion of all appeals. Violation of such an order shall be deemed a violation of this code and subject to penalties as described in Section 1.154.120.
- E. Notice of Appeal Hearing: Written notice of a hearing on an appeal of the Director's decision to either revoke or not revoke a home occupation permit, shall include its date, time and place and shall be given to the property owner(s) and the person(s)

undertaking the use if other than the owner(s). Written notice shall also be given to property owners as per original process or at least abutting, whichever is greater.

- F. Higher Authority Decision on Appeal: It shall either approve the use as it exists, revoke the permit, or compel suitable restrictions and conditions to ensure compatibility with the neighborhood.

1.154.110 Notice of Decision and Appeals.

- A. Written notice of the Planning Commission or Director's decision and associated findings shall be sent to the person(s) undertaking the activity, the property (if different than above), and persons participating in the above proceedings.
- B. The determination of the Director or Planning Commission shall become final unless appealed.

1.154.120 Penalties.

Non-compliance with the orders of the Director or Planning Commission, as referred above, is an infraction per Chapter 1.030.

Chapter 1.156 ACCESSORY STRUCTURES.

Sections:

- 1.156.010 Purpose.**
- 1.156.020 Definition.**
- 1.156.030 Applicability of Provision.**
- 1.156.040 Administration and Approval Process.**
- 1.156.050 Expiration of Approval: Standards for Extension of Time.**
- 1.156.060 Modification of Approved Plans.**
- 1.156.070 Approval Criteria.**
- 1.156.080 Application Submission Requirements.**

1.156.010 Purpose.

- A. The purpose of this chapter is to:
 - 1. Establish criteria for regulating the type, size and location of accessory structures in residential zoning districts;
 - 2. Allow the property to be more useful while not altering the residential character of the principal structures; and
 - 3. Allow for accessory structures within commercial and industrial zoning districts.

1.156.020 Definition.

- A. Accessory structure means a subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure.
- B. Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory structure shall normally be considered as a part of the principal structure.
- C. Where an accessory structure is detached, it must comply with all the requirements of this Chapter and Code.
- D. Examples of accessory structures are barns, garages, carports, playhouses, sheds, private greenhouses, gazebos, storage buildings, boathouses and docks, wind generating devices, swimming pool pump houses, and radio and television receiving antenna towers and dishes.

1.156.030 Applicability of Provision.

- A. Review of accessory structures by the Director is required except for the following situations.
 - 1. Buildings or structures within residential zoning districts which are less than 120 square feet in gross floor area and 15 feet or less in height, measured from base to highest point of the structure;
 - 2. Accessory buildings or structures attached to the principle building or structure, as long as they use the same architectural features such as roof lines and exterior building materials. Attached means wall-to-wall or any permanent roof attachment such as breezeways. Said structures shall be considered as building additions and shall require building permits and compliance with the applicable setback standards for the principle building or structure;
 - 3. Accessory buildings or structures for sites that have been approved or should be approved under Site Design or Conditional Use processes of this Code must additionally comply with those requirements; and
 - 4. Fences and walls within all zoning districts shall be consistent with Section 1.108.040 of this code.
- B. All of the provisions and regulations of the underlying zone apply unless modified by this chapter.

1.156.040 Administration and Approval Process.

- A. The applicant for an accessory structure proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. The Director shall approve, approve with conditions or deny any application for an accessory structure. The Director shall apply the standards set forth in Section 1.156.070 of this code when reviewing an application.

1.156.050 Expiration of Approval: Standards for Extension of Time.

- A. Accessory approval by the Director shall be effective for a period of 2 years from the date of approval.
- B. The accessory structure approval by the Director shall lapse if:

1. Substantial construction of the approved accessory structure plan has not begun within a 1½-year period; or
 2. Construction on the site is a departure from the approved plan.
- C. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year, provided that:
1. No changes are made on the original accessory structure plan as approved by the Director;
 2. The applicant can show intent of initiating construction of the site within the 1-year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.

1.156.060 Modification of Approved Plans.

- A. An applicant may request approval of a modification to an approved plan by:
1. Providing the Director with 2 copies of the proposed modified accessory structure plan; and
 2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Subsection B below.
- B. The Director shall grant the modification provided that the structure design and location conforms with the requirements of this chapter.

1.156.070 Approval Criteria.

- A. Dimensional Approval Criteria:
1. The following dimensions shall apply to all accessory structures:
 - a. For parcels within a residential zone that are less than 2.5 acres in size, any accessory building within a residential zone shall have no more than 600 square feet of gross floor area;

- b. For parcels within a residential zone that are 2.5 acres in size or larger, any accessory building shall have no more than 1,000 square feet of gross floor area; and
 - c. In no case shall the accessory building(s) and principal structure exceed the maximum lot coverage allowed by the base zone;
2. Except as provided in Section 1.156.070.A.3. below, accessory structures in residential zones shall maintain the same rear and side yard setbacks as the principal building in accordance with the standards of the zone;
3. All freestanding and detached towers, antennas, wind generating devices and TV receiving dishes in residential zones shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscape planting screen, in accordance with Chapter 1.108, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments; and
4. See Chapter 1.106, Building Height Limitation Exceptions, for exceptions.

B. Non-dimensional Approval Criteria:

1. Accessory structures or buildings shall comply with all requirements for the principal structure, except where specifically modified by this chapter;
2. If an application proposed for an accessory structure meets the following criteria, the Director shall approve the application proposal:
 - a. No accessory building or structure shall be allowed in any required front yard;
 - b. The applicant shall present documentation of the possession of any required license by any federal, state or local agency;
 - c. Any accessory building or structure attached to the principal building or structure must comply with all setbacks of the zoning district (attached means wall-to-wall or any permanent roof attachment such as breezeways);
 - d. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right of way including but not limited to streets, alleys and public or private easements;

- e. Except for dishes less than 24 inches in diameter, TV receiving dishes may be erected upon the roof of a structure only within a commercial or industrial zone;
 - f. All accessory structures shall be built in accordance with the Uniform Building Code;
 - g. The style and exterior materials must be similar to the principal building; and
 - h. Roof pitch must be same as principle building if accessory building exceeds 15 feet in height.
- 3. Accessory structures which are nonconforming are subject to the requirements of Chapter 1.142, Nonconforming Situations, where an alteration, extension or reconstruction is requested;
 - 4. In instances where an alteration, extension or reconstruction to an existing detached accessory structure is requested, the applicant shall apply for an accessory structure permit in accordance with Section 1.156.040; and
 - 5. A conflict of interpretation concerning whether a structure is an accessory structure shall be resolved in accordance with the provisions of Section 1.070.090.

1.156.080 Application Submission Requirements.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 - 1. 3 copies for review by the Director of site plan(s) and necessary data or narrative which explains how the accessory structure proposal conforms to the standards:
 - a. Sheetsize for an accessory structure site plan(s) and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - b. The scale of the site plan shall be an engineering scale; and
 - c. All drawings of structure elevations shall be at standard architectural scale, being ¼ inch or C inch;
 - 2. One copy of a current assessor's map; and

3. The required fee.
- B. The proposed accessory structure site plan shall include the following information:
1. The location of all existing and proposed structures on the site and directly abutting the site, and their orientation;
 2. The location of existing and proposed utility lines and easements;
 3. The location of any streets abutting the site;
 4. The location of any accessway to the proposed structure; and
 5. The size (square footage) of the accessory structure;
- C. The proposed accessory structure architectural plans shall include the following information:
1. At least 2 elevations of any proposed structure; and
 2. Enough information for determining height, type of siding, slope of roof, and type of roofing.

Chapter 1.158 AUXILIARY DWELLING UNITS.

Sections:

- 1.158.010 Purpose.**
- 1.158.020 Applicability.**
- 1.158.030 Design Standards.**

1.158.010 Purpose.

A. Auxiliary dwelling units are allowed in certain situations to:

1. Create new housing units while respecting the look and scale of single-dwelling neighborhoods;
2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
3. Allow more efficient use of existing housing stock and infrastructure;
4. Provide a mix of housing that responds to changing household needs, sizes and compositions;
5. Provide a means for new homeowners to defray some of the costs associated with the purchase of a first home;
6. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services; and
7. Provide a broader range of suitable and affordable housing.

1.158.020 Applicability.

An auxiliary dwelling unit may be added to a house, attached house, or manufactured home in any zone where the existing principal use is permitted.

1.158.030 Design Standards.

A. Standards for creating auxiliary dwelling units address the following purposes:

1. Ensure that auxiliary dwelling units are compatible with the desired character and livability of St. Helens residential zones;
 2. Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
 3. Ensure that auxiliary dwelling units are smaller in size than houses, attached houses, or manufactured homes;
 4. Provide adequate flexibility to site buildings so that they fit the topography of sites; and
 5. The design standards for auxiliary dwelling units are stated above. If not addressed in this section, the base zone development standards apply.
- B. Requirements for all auxiliary dwelling units: All auxiliary dwelling units must meet the following standards:
1. Creation: An auxiliary dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached auxiliary dwelling unit on a developed site; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached auxiliary dwelling unit;
 2. Entrances: Only 1 entrance to the house may be located on the front facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional front door entrances before the conversion to an auxiliary dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks;
 3. Owner-occupancy: The owner of the property must occupy either the primary residence or the auxiliary dwelling unit;
 4. Heated floor area: The heated floor area of the auxiliary dwelling shall be 100% of the floor area of the auxiliary dwelling unit;

5. Parking: The parking requirements balance the need to provide adequate parking with maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because generally, the site can more easily be designed to accommodate 2 parking spaces while minimizing impervious surface. In situations where an auxiliary dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available:
 - a. The following parking requirements apply to auxiliary dwelling units:
 - (1) No additional parking space required: No additional parking space is required for the auxiliary dwelling unit if it is created on a site with an existing house, attached house, or manufactured home and the roadway of at least 1 abutting street is at least 20 feet wide;
 - (2) One additional parking space required: One additional parking space is required for the auxiliary dwelling unit as follows:
 - (a) When none of the roadways in abutting streets are at least 20 feet wide; or
 - (b) When the auxiliary dwelling unit is created at the same time as the house, attached house, or manufactured home.
6. Size:
 - a. Minimum size: The size of the auxiliary dwelling unit may be no less than 220 square feet;
 - b. Maximum size: The size of the auxiliary dwelling unit may be no more than 30 percent of the living area of the house, attached house, or manufactured home or 1000 square feet, whichever is less.
- C. Additional requirements for detached auxiliary dwelling units or for auxiliary dwelling units created through the addition of floor area:
 1. Exterior finish materials: The exterior finish material must be the same, or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home;
 2. Roof pitch: The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home;

3. Trim: Trim on edges of elements on the addition or detached unit must be the same in type, size, and location as the trim used on the rest of the house, attached house, or manufactured home;
4. Windows: Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical);
5. Eaves: Eaves must project from the building walls the same distance as the eaves on the rest of the house, attached house, or manufactured home;
6. Setbacks: The auxiliary dwelling unit must meet the same setback requirements as principal dwelling units in the zone;
7. Lot coverage: The detached auxiliary dwelling unit may not have a larger footprint than the footprint of the house, attached house, or manufactured home, and, the combined footprint of all detached structures may not exceed the lot coverage restriction of the zone.

Chapter 1.160 TREE REMOVAL.

Sections:

- 1.160.010 Purpose.**
- 1.160.020 Definitions.**
- 1.160.025 Tree Plan Requirement.**
- 1.160.030 Permit Requirement.**
- 1.160.040 Permit Criteria.**
- 1.160.045 Incentives for Tree Retention.**
- 1.160.050 Expiration of Approval - Extension of Time.**
- 1.160.060 Application Submission Requirement.**
- 1.160.070 Illegal Tree Removal-Violation-Replacement of Trees.**

1.160.010 Purpose.

- A. After years of both natural growth and planting by residents, the City now benefits from a large number of trees. These trees of varied types add to the aesthetic beauty of the community, help clean the air, help control erosion, maintain water quality and provide noise barriers.
- B. The purposes of this chapter are to:
 - 1. Encourage the preservation, planting and replacement of trees in the City;
 - 2. Regulate the removal of trees on sensitive lands in the City to eliminate unnecessary removal of trees;
 - 3. Provide for a tree plan for developing properties;
 - 4. Protect sensitive lands from erosion;
 - 5. Protect water quality;
 - 6. Provide incentives for tree retention and protection; and
 - 7. Regulate commercial forestry to control the removal of trees in an urban environment.
- C. The City recognizes that, notwithstanding these purposes, at the time of development it may be necessary to remove certain trees for public safety and in order to

accommodate structures, streets, utilities, and other needed or required improvements within the development.

1.160.020 Definitions.

A. Except where the context clearly indicates otherwise, as used in this chapter:

1. Canopy cover: The area above ground which is covered by the trunk and branches of the tree.
2. Commercial forestry: Shall mean the removal of 10 or more trees per acre per calendar year for sale.
3. Hazardous tree: Shall mean a tree which by reason of disease, infestation, age, or other condition presents a known and immediate hazard to persons or to public or private property.
4. Pruning: Shall mean the cutting or trimming of a tree in a manner which is consistent with recognized tree maintenance practices.
5. Removal: Shall mean the cutting or removing of 50 percent (50%) or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. "Removal" shall not include pruning.
6. Tree: Shall mean a standing woody plant, or group of such, having a trunk which is 6 inches or more in caliper size when measured 4 feet from ground level.
7. Sensitive lands: Shall mean those lands described at Chapter 1.092 of the Code.

B. Except where the context clearly indicates otherwise, words in the present tense shall include the future and words in the singular shall include the plural.

1.160.025 Tree Plan Requirement.

A. A tree plan for the planting, removal, and protection of trees prepared by a certified arborist (for property or site with more than 10 trees or any tree over 2 feet in diameter) shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a land division, site development review, planned development or conditional use is filed. Protection is preferred over removal where possible.

- B. The tree plan shall include the following:
1. Identification of the location, size and species of all existing trees including trees designated as significant by the city;
 2. Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper. Mitigation must follow the replacement guidelines of Subsection 1.160.070.D. according to the following standards:
 - a. Retainage of less than 50 percent of existing trees over 12 inches in caliper requires a mitigation program according to Section 1.160.070.D. with a ratio of two two-inch caliper trees measured at four feet above ground for 12 inch in caliper tree to be removed.
 - b. Retainage of over 50 percent of existing trees over 12 inches in caliper requires the trees be mitigated according to Section 1.160.070.D. with a ratio of one two inch caliper tree measured at four feet above ground for each 12 inch caliper of tree to be removed.
 3. Identification of all trees which are proposed to be removed; and
 4. A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.
- C. Trees removed within the period of 1 year prior to a development application listed above will inventoried as part of the tree plan above and will be replaced according to Subsection 1.160.070.D.

1.160.030 Permit Requirement.

- A. Tree removal permits shall be required only for the removal of any tree which is located on or in a sensitive land area as defined by Chapter 1.092.
- B. A tree removal permit shall not be required for the removal of a tree which:
1. Obstructs visual clearance as defined in Chapter 1.110 of the Code;
 2. Is a hazardous tree;
 3. Is a nuisance affecting public safety as defined in the St. Helens Municipal Code; or

4. Is used for Christmas tree production, or land registered with the Columbia County Assessor's office as property tax deferred tree farm or small woodlands, but does not stand on sensitive lands.
- C. Commercial Forestry as defined by Subsection 1.160.020.A.2 and excluding Subsection 1.160.030.B.4 above is permitted after a plan per Section 1.160.025 is reviewed and approved and only in accordance with the approved plan.

1.160.040 Permit Criteria.

- A. The following approval standards shall be used by the Director or designee for the issuance of a tree removal permit on sensitive lands:
1. Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters, or water quality as evidenced by an erosion control plan which precludes:
 - a. Deposits of mud, dirt, sediment or similar material exceeding ½ cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion; and
 - b. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site.
- B. Within stream or wetland corridors tree removal must maintain no less than a 75 percent canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75 percent.

1.160.045 Incentives for Tree Retention.

- A. In order to assist in the preservation and retention of existing trees, the Director may apply 1 or more of the following incentives as part of development review approval and the provisions of a tree plan according to Section 1.160.025:
1. *Density Bonus.* For each 2 percent of canopy cover provided by existing trees over twelve inches in caliper that are preserved and incorporated into a development plan, a 1 percent bonus may be applied to density computations of Chapter 1.100. No more than a 20 percent bonus may be granted for any 1

development. The percentage density bonus shall be applied to the number of dwelling units allowed in the underlying zone;

2. *Lot Size Averaging.* In order to retain existing trees over twelve inches in caliper in the development plan for any land division under Chapter 1.170, lot size may be averaged to allow lots less than the minimum lot size allowed by the underlying zone as long as the average lot area for all lots and private open space is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;
 3. *Lot Width and Depth.* In order to retain existing trees over 12 inches in caliper in the development plan for any land division under Chapter 1.170, lot width and lot depth may be reduced up to 20 percent of that required by the underlying zone;
 4. *Commercial/Industrial/Civic Use Parking.* For each 2 percent of canopy cover provided by existing trees over 12 inches in caliper that are preserved and incorporated into a development plan for commercial, industrial or civic uses listed in Section 1.114.030, Minimum Off-Street Parking Requirements, a 1 percent reduction in the amount of required parking may be granted. No more than a 20 percent reduction in the required amount of parking may be granted for any 1 development;
 5. *Commercial/Industrial/Civic Use Landscaping.* For each 2 percent of canopy cover provided by existing trees over 12 inches in caliper that are preserved and incorporated into a development plan, a 1 percent reduction in the required amount of landscaping may be granted. No more than 20 percent of the required amount of landscaping may be reduced for any 1 development; and/or
 6. *Setback Adjustment.* The Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50 percent, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this Code, including but not limited to Chapters 1.104, and 1.144, except Section 1.104.020.
- B. Any tree preserved or retained in accordance with this section may thereafter be removed only for the reasons set out in a tree plan according to Section 1.160.025, and shall not be subject to removal under any other section of this chapter. The property owner shall record a deed restriction as a condition of approval of any development permit impacted by this section to the effect that such tree may be removed only if the tree dies or is hazardous according to a certified arborist. The

deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this section should either die or be removed as a hazardous tree. The form of this deed restriction shall be subject to approval by the Director.

- C. A modification to development requirements granted under this section shall not conflict with any other restriction on the use of the property, including but not limited to easements and conditions of development approval.
- D. The City Engineer may adjust design specifications of public improvements to accommodate tree retention where possible and where it would not interfere with safety or increase maintenance costs.

1.160.050 Expiration of Approval—Extension of Time.

- A. A tree removal permit shall be effective for 1½ years from the date of approval.
- B. Upon written request by the applicant prior to the expiration of the existing permit, a tree removal permit shall be extended for a period of up to 1 year if the Director finds that the applicant is in compliance with all prior conditions of permit approval and that no material facts stated in the original application have changed.

1.160.060 Application Submission Requirement.

- A. Application for a tree removal permit shall be on a form provided by the Director. Completed applications shall consist of this form, 2 copies of the supplemental data and narrative set out in Subsection B or this section, and the required fee. Applications shall not be accepted unless they are complete as defined herein.
- B. The supplemental data and narrative shall include:
 - 1. The specific location of the property by address, assessor's map number, and tax lot;
 - 2. The number, size, type and location of the tree(s) to be cut;
 - 3. The time and method of cutting or removing the tree(s);
 - 4. Information concerning any proposed landscaping or planting of new trees; and
 - 5. A narrative as to how the applicable criteria of this chapter, for example, Subsection 1.160.040.A., are satisfied.

- C. In accordance with Section 1.070.080, the Director may waive any of the requirements in Subsection B above or request additional information.

1.160.070 Illegal Tree Removal-Violation-Replacement of Trees.

- A. The following constitute a violation of this chapter:
1. Removal of a tree:
 - a. Without a valid tree removal permit; or
 - b. In noncompliance with any condition of approval of a tree removal permit;
 - c. In noncompliance with any condition of any City permit or development approval; or
 - d. In noncompliance with any other section of the Code.
 2. Breach of a condition of any City permit or development approval, which results in damage to a tree or its root system.
- B. If the Director has reason to believe that a violation of this chapter has occurred, then he or she may do any or all of the following:
1. Require the owner of the land on which the tree was located to submit sufficient documentation, which may include a written statement from a qualified arborist or forester, showing that removal of the tree was permitted by this chapter;
 2. Pursuant to Section 1.070.390, initiate a hearing on revocation of the tree removal permit and/or any other permit or approval for which this chapter was an approval standard;
 3. Seek a stop order;
 4. Seek a citation; or
 5. Take any other action allowed by law.
- C. Notwithstanding any other provision of this Code, any party found to be in violation of this chapter pursuant to Chapter 1.030 of the Code shall be subject to a civil penalty of up to \$500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following:

1. Replacement of unlawfully removed or damaged trees in accordance with Subsection D of this section; and
 2. Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.
- D. Replacement of a tree shall take place according to the following guidelines:
1. A replacement tree shall be a substantially similar species considering site characteristics;
 2. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the Director may allow replacement with a different species of equivalent natural resource value;
 3. The Director may permit one or more replacement trees to be planted on other property within the City, either public property or, with the consent of the owner, private property whenever it is not viable to place the trees on the site.
 4. The planting of a replacement tree shall take place in a manner reasonably calculated to allow growth to maturity.
- E. In lieu of tree replacement under Subsection D of this section, a party may, with the consent of the Director, elect to compensate the City for its costs in performing such tree replacement.
- F. The remedies set out in this section shall not be exclusive.

Chapter 1.170 LAND DIVISION: SUBDIVISION.

Sections:

- 1.170.010 Purpose.**
- 1.170.020 General Provisions.**
- 1.170.030 Administration and Approval Process.**
- 1.170.040 Expiration of Approval: Standards for Extension of Time.**
- 1.170.050 Phased Development.**
- 1.170.060 Approval Standards: Preliminary Plat.**
- 1.170.070 Application Submission Requirements: Preliminary Plat.**
- 1.170.080 Additional Information Required and Waiver of Requirements.**
- 1.170.090 Variances Authorized.**
- 1.170.100 Referrals.**
- 1.170.110 Appeal.**
- 1.170.120 Criteria for Granting a Variance.**
- 1.170.130 Variance Application.**
- 1.170.140 Application Submission Requirements: Final Plat.**
- 1.170.150 City Review of Final Plat: Approval Criteria.**
- 1.170.160 Centerline Monumentation: Monument Box Requirements.**
- 1.170.170 Improvement Agreement.**
- 1.170.180 Bond: Cash Deposit.**
- 1.170.190 Filing and Recording.**
- 1.170.200 Prerequisites to Recording the Plat.**
- 1.170.210 Vacation of Plats.**
- 1.170.220 Vacation of Streets.**

1.170.010 Purpose.

- A. The purpose of this chapter is:
1. To implement the comprehensive plan;
 2. To provide rules, regulations, and standards governing the approval of plats of subdivisions;
 3. To carry out the development pattern and plan of the City;
 4. To promote the public health, safety, and general welfare;

5. To lessen congestion in the streets, and secure safety from fire, flood, pollution, and other dangers;
6. To provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage; and
7. To encourage the conservation of energy resources.

1.170.020 General Provisions.

- A. An application for a subdivision shall be processed through a 2-step process³: the preliminary plat and the final plat:
 1. The preliminary plat shall be approved by the Planning Commission before the final plat can be submitted for approval consideration; and
 2. The final plat shall reflect all conditions of approval of the preliminary plat.
- B. All subdivision proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions⁴.
- C. When subdividing tracts into large lots, the Planning Commission shall require that the lots be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district or Comprehensive Plan and this code and that a redevelopment plat be approved and used to approve building permits.
- D. Temporary sales offices in conjunction with any subdivision may be granted as set forth in Chapter 1.152.
- E. All subdivision proposals shall be consistent with the need to minimize flood damage.
- F. All subdivision proposals shall have underground public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- G. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

³ Except for Expedited Land Division applications

⁴ Ibid.

- H. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

1.170.030 Administration and Approval Process.⁵

- A. The applicant of a preliminary plat proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required. However, failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria, or requirements of the applications.
- C. Another pre-application conference is required if any preliminary plat application is submitted more than 6 months after the initial pre-application conference.
- D. Upon receipt of an application, the Director shall review it for compliance with the requirements set forth in Section 1.170.060, Approval Standards; and
1. If a land division application is incomplete, the Director shall notify the applicant in writing of the exact information which is missing within 30 days of receipt of the application;
 2. The applicant shall be allowed to submit the missing information and upon submission of the missing information, the application shall be deemed complete; and
 3. The applicant may refuse to submit the missing information in which case the application shall be deemed complete on the 31st day after the initial submittal of the application.
- E. Final action, including the resolution of all appeals and review on the land division application, shall be taken within 120 days after the application is deemed complete, and the Director shall:
1. Schedule a public hearing to be held by the Planning Commission within 45 days from the time the complete application is filed and shall provide a notice of the hearing in accordance with the provisions of Section 1.070.130;
 2. Furnish 1 copy of the proposed preliminary plat to the City Engineering Division;

⁵ Ibid.

3. Furnish 1 copy of the preliminary plat and supplemental material to:
 - a. The Columbia County Land Development Services; and
 - b. The Oregon Department of Transportation (ODOT), if the proposed subdivision is adjacent to a state highway and access to the state highway is desired by the applicant (these agencies will be given at least 5 days to review the plan, suggest revisions, and return the plans to the City);
 4. Incorporate all staff recommendations into a report to the Planning Commission.
- F. The Director shall mail notice of the preliminary plat proposal to persons who are entitled to notice in accordance with Section 1.070.130.
- G. The Planning Commission shall approve, approve with conditions, or deny any application for preliminary plat per Section 1.170.060. The Planning Commission shall also apply the standards set forth in Section 1.170.070 when reviewing an application for a subdivision.
- H. The decision of the Planning Commission may be appealed in accordance with Subsection 1.070.310.B.

1.170.040 Expiration of Approval: Standards for Extension of Time.

- A. The preliminary plat approval by the Planning Commission or final approving authority shall lapse if:
1. A final plat (first phase in an approved phased development) has not been submitted within a 1-year period; or
 2. The final plat does not conform to the preliminary plat as approved or approved with conditions.
- B. The Director shall, upon written request by the applicant and payment of the required fee, grant 2 extensions of the approval period not to exceed 6 months each; provided that:
1. No changes are made on the original preliminary plat plan as approved by the Planning Commission;

2. The applicant has expressed written intent of submitting a final plat within the extension period;
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based;
 4. An extension of time will not preclude the development of abutting properties; and
 5. A performance bond is provided in accordance with the City's standards.
- C. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.

1.170.050 Phased Development.

- A. The Planning Commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than 2 years (unless an extension is granted) without reapplying for a preliminary plat, nor the cumulative time exceed 6 years (regardless of extensions) without applying for a new preliminary plat.
- B. The criteria for approving a phased site development review proposal are:
1. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - a. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard;
 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat; and
 4. Public facilities approved as conditions of approval must be bonded.
- C. The application for phased development approval shall be heard concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

1.170.060 Approval Standards: Preliminary Plat.

- A. The Planning Commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with the City's comprehensive plan, the applicable sections of this Code and other applicable ordinances and regulations;
 2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];
 3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and
 4. An explanation has been provided for all common improvements.
- B. Lot Dimensions:
1. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:
 - a. No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;
 - b. The depth of all lots shall not exceed 2½ times the average width, unless the parcel is less than 1½ times the minimum lot size of the applicable zoning district; and
 - c. Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.
- C. Through Lots:
1. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:
 - a. A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and

- b. All through lots shall provide the required front yard setback on each street.

D. Large Lots:

1. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

- a. The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

- E. The Planning Commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require:

1. Reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

1.170.070 Application Submission Requirements: Preliminary Plat.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:

1. 8 copies of the preliminary plat map and required data or narrative; and
2. The required fee.

- B. The preliminary plat map and data or narrative shall include the following:

1. Sheet size for the preliminary plat shall preferably not exceed 18 by 24 inches and shall include at least one 8½ by 11 inches copy;
2. The scale shall be an engineering scale, and limited to 1 phase per sheet;
3. The proposed name of the subdivision shall comply with ORS Chapter 92[.090(1)] and shall not duplicate or resemble the name of any other subdivision in the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the

- applicant files and records the consent of the party that platted the subdivision bearing that name;
4. Vicinity map showing the general location of the subject property in relationship to arterial and collector streets;
 5. Names, addresses and telephone numbers of the owner, developer, engineer, surveyor, and designer, as applicable;
 6. The date of application;
 7. The assessor's map and tax lot number and a legal description sufficient to define the location and boundaries of the proposed subdivision;
 8. The boundary lines of the tract to be subdivided;
 9. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land;
 10. Contour lines related to a City established benchmark at 2-foot intervals for grades 0 to 10 percent and 5-foot intervals for grades over 10 percent;
 11. The purpose, location, type and size of all the following (within and adjacent to the proposed subdivision) existing and proposed:
 - a. Public and private rights-of-way and easements;
 - b. Public and private sanitary and storm sewer lines, domestic water mains including fire hydrants, gas mains, major power (50,000 volts or better), telephone transmission lines, and watercourses; and
 - c. Deed reservations for parks, open spaces, pathways, and any other land encumbrances;
 12. For subdivisions of 10 lots or more: approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plans of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 13. For subdivisions of 10 lots or more: approximate centerline profiles showing the finished grade of all streets including street extensions for a reasonable distance beyond the limits of the proposed subdivision;
 14. For subdivisions of 10 lots or more: scaled cross sections of proposed street rights-of-way;

15. For subdivisions of 10 lots or more: the location of all areas subject to inundation or storm water overflow, and the location, width, and direction of flow of all watercourses and drainageways;
 16. The proposed lot configurations, approximate lot dimensions and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots. Each lot shall abut upon a street;
 17. The location of all trees with a diameter 6 inches or greater measured at 4 feet above ground level, and the location of proposed tree plantings, if any;
 18. The existing use of the property, including location of all structures and present use of the structures, and a statement of which structures are to remain after platting;
 19. Supplemental information including proposed deed restrictions, if any, proof of property ownership, and a proposed plan for provision of subdivision improvements; and
 20. Existing natural features including rock outcroppings, wetlands, and marsh areas.
- C. If any of the foregoing information cannot practicably be shown on the preliminary plat, it shall be incorporated into a narrative and submitted with the application.

1.170.080 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B and C.

1.170.090 Variances Authorized.

Variances to the subdivision regulations prescribed by this code may be authorized by the Planning Commission, and application shall be made with a preliminary plat application in accordance with Section 1.170.070.

1.170.100 Referrals.

The Director shall transmit copies of the application for variance to staff for review.

1.170.110 Appeal.

The Planning Commission's action on an application for a variance may be appealed in accordance with Subsection 1.070.310.B.

1.170.120 Criteria for Granting a Variance.

- A. The Planning Commission shall consider the application for variance at the same meeting at which it considers the preliminary plat.
- B. A variance may be approved, approved with conditions, or denied provided the Planning Commission finds:
 - 1. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
 - 2. The variance is necessary for the proper design or function of the subdivision;
 - 3. The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
 - 4. The variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this code.

1.170.130 Variance Application.

- A. Application for a variance shall be made on forms provided by the Director.
- B. The applicant shall state fully the reasons for the application, the supporting facts, and any other data pertinent to the findings prerequisite to the granting of a variance prescribed in Section 1.170.120.

1.170.140 Application Submission Requirements: Final Plat.

- A. Unless otherwise provided in Section 1.170.020, the applicant shall submit:
1. A final plat and 5 copies to the Director within 1 year which complies with the approved preliminary plat; and
 2. The required fee.

1.170.150 City Review of Final Plat: Approval Criteria.

- A. The Director, Legal Council and the City Engineer shall review the final plat and shall approve or deny the final plat approval based on findings that:
1. The final plat substantially complies with the plat approved by the Commission and all conditions of approval have been satisfied; (Minor changes to lot configurations, topography issues, reduction in number of lots are not substantial changes.)
 2. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
 3. The streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the City;
 4. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal, and water supply systems;
 5. An explanation is included which explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat. This is to include CC&R's for HOA's set up to own and maintain on common properties or facilities in the subdivision (with provisions for City to veto dissolution of HOA or to have right to assess owners for taxes and maintenance or lien properties);
 6. The plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
 7. A certification by the City's Engineering Division that municipal water will be available to a lot line of each and every lot depicted on the proposed plat or bond, contract or other assurance has been provided by the subdivider to the City that a municipal water system will be installed by or on behalf of the

subdivider to the lot line of each and every lot depicted on the proposed plat. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in amount as determined necessary by the City;

8. A certificate has been provided by the City's Engineering Division that a municipal sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;
9. Copies of signed deeds have been submitted granting the City a reserve strip as provided by Section 1.170.060;
10. The lettering of the approvals, dedication and affidavit of the surveyor is of such a size and type, and the plat is at such a scale, as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch;
11. If there is more than 1 sheet, a face sheet and index has been provided;
12. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92[.060] and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. survey or giving 2 or more objects for identifying its location; and
13. A development agreement has been signed by the owner/developer.

1.170.160 Centerline Monumentation: Monument Box Requirements.

A. Centerline Monumentation:

1. The centerlines of all street and roadway rights-of-way shall be monumented before City acceptance of street improvements; and
2. The following centerline monuments shall be set:
 - a. All centerline-centerline intersection points;
 - b. All cul-de-sac center points; and
 - c. Curve points, beginning and ending points (point of curvature [P.C.] and point of tangency [P.T.]).

B. Monument Boxes Required:

1. Monument boxes conforming to City standards will be required around all centerline intersection points and cul-de-sac center points; and
2. The tops of all monument boxes will be set to finished pavement grade.

1.170.170 Improvement Agreement.

- A. Before City approval is certified on the final plat the subdivider shall:
1. Execute and file an agreement with the City Engineer specifying the period within which all required unfinished improvements and repairs shall be completed; and
 2. Include in the agreement provisions that if such work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the subdivider.
- B. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

1.170.180 Bond: Cash Deposit.

- A. As required by Section 1.170.170, the subdivider shall file with the agreement an assurance of performance supported by 1 of the following:
1. An irrevocable letter of credit executed by an acceptable financial institution authorized to transact business in the state of Oregon;
 2. A surety bond executed by an acceptable surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 3. Cash.
- B. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

- D. In the event the subdivider fails to carry out all provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.
- E. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

1.170.190 Filing and Recording.

- A. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 1.170.150.
- B. Upon final recording with the County, the applicant shall submit to the City a mylar copy of the recorded final plat and proof of recording of any required CC&R's for HOA. No building permit shall be issued until this is accomplished.

1.170.200 Prerequisites to Recording the Plat.

- A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92[.095].
- B. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

1.170.210 Vacation of Plats.

- A. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. All applications for a plat or street vacation shall be made in accordance with Sections 1.170.020 and 1.170.030, and Subsection 1.170.160.A.
- C. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys.
- D. All approved plat vacations shall be recorded in accordance with Section 1.170.190:

1. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 2. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.
- E. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

1.170.220 Vacation of Streets.

All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and applicable local regulations.

Chapter 1.172 LAND DIVISION: LAND PARTITIONING—LOT LINE ADJUSTMENT.

Sections:

- 1.172.010 Purpose.**
- 1.172.020 Partition or Lot Line Adjustment Required.**
- 1.172.030 Administration and Approval Process.**
- 1.172.035 Expiration of Approval - Standards for Extension of Time.**
- 1.172.040 Partition Approval Criteria.**
- 1.172.050 Special Provisions for Lots Created through Partition Process.**
- 1.172.055 Creation of Flag Lot.**
- 1.172.060 Lot Line Adjustments: Approval Standards.**
- 1.172.070 Preliminary Application Submission Requirements.**
- 1.172.080 Final Submission Requirements—Partition.**
- 1.172.085 Final Submittal Requirements—Lot Line Adjustment.**
- 1.172.090 Additional Information Required and Waiver of Requirements.**
- 1.172.100 City Acceptance of Dedicated Land.**
- 1.172.110 Centerline Monumentation: Monument Box Requirements.**
- 1.172.120 Recording of Partitions: Lot Line Adjustments.**
- 1.172.130 Variances to Standards.**

1.172.010 Purpose.

The purpose of this chapter is to provide rules, regulations, and standards governing approval of land partitions and lot line adjustments.

1.172.020 Partition or Lot Line Adjustment Required.

- A. A land partition review is required when a division of land creates a street or road, within 1 calendar year.
- B. A land partition review is required when 2 or 3 lots are created with or without the creation of a street or road, within 1 calendar year.
- C. A lot line adjustment review is required where any adjustment to a property line by the relocation of a common boundary is requested.

1.172.030 Administration and Approval Process.

- A. The applicant of a partition or lot line adjustment proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. Any application for a land partition or lot line adjustment shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivision and Partitions.⁶
- C. No lot or parcel to be created through the partitioning process shall be sold until approval and filing of the final partition plat.
- D. When partitioning tracts into large parcels, the Director shall require that the parcels be of such size and shape to facilitate future repartitioning of such parcels in accordance with the requirements of the Comprehensive Plan and the zoning district and this code. Also, a redevelopment plat is required to be approved by the Director and applied to any building permit issued.
- E. The applicant is required to meet with the Director for a pre-application conference in accordance with Section 1.070.080:
 - 1. Another pre-application conference is required if an application is submitted more than 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria, or requirements of the applications.
- F. The Director shall approve, approve with conditions or deny an application. The Director shall apply the standards set forth in Section 1.172.040 when reviewing an application for a partition or the standards in Section 1.172.060 when reviewing an application for a lot line adjustment. When in conflict with other portions of this Code, this Chapter shall prevail.
- G. The decision of the Director may be appealed in accordance with Subsection 1.070.310.A.⁷

1.172.035 Expiration of Approval - Standards for Extension of Time.

- A. The partition or lot line adjustment approval by the Director shall be effective for a period of 6 months from the date of approval.

⁶ Except for Expedited Land Division applications

⁷ Except for Expedited Land Division applications

- B. The partition or lot line adjustment approval by the Director shall lapse if:
1. The partition or lot line adjustment has been improperly recorded with Columbia County without the satisfactory completion of all conditions attached to the approval; or
 2. The final recording is a departure from the approved plan.
- C. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 6 months provided that:
1. No changes are made on the original plan as approved by the Director;
 2. The applicant can show intent of recording the approved partition or lot line adjustment within the extension period; and
 3. There have been no changes in the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed as provided by Section 1.070.310.A.⁸

1.172.040 Partition Approval Criteria.

- A. A request to partition land shall meet all of the following criteria:
1. The proposal conforms with the City's comprehensive plan;
 2. The proposed partition complies with all statutory and ordinance requirements and regulations;
 3. Adequate public facilities are available to serve the proposal;
 4. All proposed lots conform to the size and dimensional requirements of this code; and
 5. All proposed improvements meet City and applicable agency standards.

1.172.050 Special Provisions for Lots Created through Partition Process.

⁸ Except for Expedited Land Division applications

A. Lot Dimensions:

1. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:
 - a. No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;
 - b. The depth of all lots shall not exceed 2½ times the average width, unless the parcel is less than 1½ times the minimum lot size of the applicable zoning district; and
 - c. Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

B. Through Lots:

1. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:
 - a. A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and
 - b. All through lots shall provide the required front yard setback on each street.

C. Large Lots:

1. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:
 - a. The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

D. Fire Protection:

1. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities.
- E. Reciprocal Easements:
1. Where a common drive is to be provided to serve more than 1 lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.
- F. Accessway:
1. Any accessway shall comply with the standards set forth in Chapter 1.116, Access, Egress, and Circulation.
- G. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

1.172.055 Creation of Flag Lot.

- A. Provisions of this section on flag lots shall apply to the creation or future use of flag lots whether created herewithin or by other land division rules.
- B. The creation of flag lots is permitted only in the R-5, AR, MU, and MHR residential zones.
- C. The following standards shall apply to flag lots:
1. Flag lots shall have access to a public or private street;
 2. The “flag” portion of a flag lot must meet standards for size and area per underlying zone requirements;
 3. There shall not be a front lot line. The applicant may choose the front lot line at the time of lot creation and all other definitions shall follow that choice;
 4. The principal dwelling(s) must have a minimum of 10 foot setback from all property lines;
 5. Dwellings on flag lots will increase the setback by 25 percent for each 5 feet of building height over 15 feet;

6. Building orientation for a future principle building shall be such as to comply with solar access and to allow maximum separation and privacy from existing and future dwellings on adjacent lots; and
7. A minimum 6 foot landscaping buffer (See Section 1.108.080 for standards) shall be on all sides of “flag” and 3 foot landscape buffer on both sides of “flag pole”.

1.172.060 Lot Line Adjustments: Approval Standards.

- A. The Director shall approve or deny a request for a lot line adjustment in writing based on findings that the criteria stated are satisfied as follows:
 1. An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;
 2. By reducing the lot size, the lot or structures(s) on the lot will not be in violation of the site development or zoning district regulations for that district;
 3. The resulting parcels are in conformity with the dimensional standards of the zoning district; and
 4. The lots involved were legally created.
- B. The provisions of Section 1.172.050 shall also apply to lot line adjustments.

1.172.070 Preliminary Application Submission Requirements.

- A. All applications for partitions and lot line adjustments shall be made on forms provided by the Director and shall be accompanied by:
 1. Copies of the preliminary partition map or lot line adjustment map (number of copies determined at pre-application conference) and necessary data or narrative; and
 2. The required fee.
- B. The preliminary partition map and necessary data or narrative shall include the following:
 1. The name(s), addresses, and phone numbers of the following:

- a. The owner(s) of the subject parcel;
 - b. The owner(s)' authorized agent (if applicable); and
 - c. The land surveyor and engineer (if applicable);
2. The map scale, north arrow, and date;
 3. Sufficient description to define the location and boundaries of the proposed area to be partitioned or adjusted;
 4. The scale shall be an engineering scale sufficient to show the details of the plan and related data;
 5. The location, width and names of streets or other public ways and easements within and adjacent to the proposed partition;
 6. Other important features, to include:
 - a. The location of all permanent buildings on and within 25 feet of all property lines;
 - b. The location and width of all water courses;
 - c. Any trees having a 6 inch caliper or greater at 4 feet above ground level;
 - d. All slopes greater than 25 percent; and
 - e. The location of existing utilities and utility easements;
 7. In the case of a land partition creating a street, the applicant shall include the proposed right of way location and width, and a scaled cross section of the proposed street (to include any reserve strip);
 8. Any deed restrictions that apply to the existing lot; and
 9. Where it is evident that the subject parcel can be further partitioned, the applicant must show that the land partition will not preclude the efficient division of land in the future.
- C. The preliminary partition plat or lot line adjustment map shall be as accurate as possible to ensure proper review by affected agencies.
- D. Upon receipt of an application, the Director shall review it for compliance with the requirements for submittal (see Subsections A and B above). If the application is

found to be incomplete, the Director shall within 30 days notify the applicant of the reasons therefor and advise the applicant of the requirements for an acceptable application.⁹

- E. Upon acceptance of a complete application, the Director shall transmit copies of the preliminary land partition application or lotline adjustment map to the City Engineering Department and Building Division as well as other potentially affected agencies where necessary.
- F. The Director shall review the proposal for compliance with the provisions of this code and coordinate the review conducted by affected City agencies and applicable districts for compliance with applicable regulations.
- G. The Director shall review the proposed lot line adjustment for compliance with the provisions of this code, and shall issue a decision to owners of the involved parcels, abutting property owners, and affected service providing agencies with regard to the compliance of the application with respect to all applicable approval criteria. If the Director believes that existing utilities may be affected by the proposed adjustment, the Director may defer making a decision on the application until the affected service providing agencies have been given an opportunity to review and comment upon the proposal. In addition, an affected agency may request an amended decision within 10 days of the issuance of a decision for which comments were not requested, if the agency finds that utilities may be affected by the proposed adjustment.
- H. Following the review of the land partition or lot line adjustment by the applicable agencies, the applicant will be advised of the status of the proposal and of any additional information which shall be required prior to the filing of a final land partition plat or lot line adjustment map and shall be notified of conditions to be attached to the approval.

1.172.080 Final Submission Requirements—Partition.

- A. The partition plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05) and by Columbia County and shall include the following:
 - 1. Sheet sizes for the final partition map shall be drawn on paper that is 8½ by 11 inches, 11 by 17 inches or 18 by 24 inches in size (if 18 by 24 inches, then 1 copy must be on reducible paper);
 - 2. The scale of the map shall be an engineering scale;

⁹ Except for Expedited Land Division applications

3. The name and address of the following:
 - a. The owner(s) of the subject parcel;
 - b. The owner(s)' authorized agent; and
 - c. The land surveyor and engineer;
4. The assessor's map and lot number and a copy of the deed, sales contract or document containing a legal description of the land to be partitioned;
5. The map scale, north arrow, and date;
6. Dimensions and legal descriptions of the parent parcel and all proposed parcels;
7. Boundary lines and names of adjacent partitions and subdivisions, and tract lines abutting the site;
8. The locations, width and names of streets or other public ways and easements within and adjacent to the proposed partition;
9. In the case of a land partition creating a street, the applicant shall include the proposed right of way location and width, and a scaled cross section of the proposed street (to include any reserve strip);
10. Any deed restrictions that apply to the existing lot; and
11. Signature blocks for City approval and acceptance of public easements and rights-of-way.

1.172.085 Final Submittal Requirements—Lot Line Adjustment.

- A. The lot line adjustment survey map and data or narrative shall include the following:
 1. Sheet sizes for the final map shall be drawn on paper that is 8½ by 11 inches, 11 by 17 inches or 18 by 24 inches in size (if 18 by 24 inches, then 1 copy must be on reducible paper);
 2. The scale of the map shall be an engineering scale;
 3. The name and address of the following:

- a. The owner(s) of the subject parcel;
 - b. The owner's authorized agent; and
 - c. The land surveyor and engineer;
4. The map scale, north arrow, and date;
 5. Dimensions and parcel sizes of both the original parcels and adjusted parcels;
 6. Boundary lines of parcels abutting the parcels;
 7. The locations, width and names of streets or other public ways and easements within the adjacent to the subject parcels;
 8. Any deed restrictions that apply to the parcels; and
 9. Signature blocks for City approval and acceptance of public easements and rights-of-way.

1.172.090 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B. and C.

1.172.100 City Acceptance of Dedicated Land.

- A. The City Council may accept the proposed right of way dedication prior to recording a land partition or lot line adjustment.
- B. The City Engineer shall accept all public easements shown for dedication on partition plats or lot line adjustment maps.

1.172.110 Centerline Monumentation: Monument Box Requirements.

- A. Centerline Monumentation for all Partitions:

1. The centerlines of all street and roadway rights-of-way shall be monumented as prescribed in ORS 92.060(2) before City acceptance of street improvements under the following specifications:
 - a. Centerline monuments are required to have monument boxes conforming to City standards set for those monuments within the pavement area; and
 - b. The tops of all monument boxes shall be set to finished pavement grade.

1.172.120 Recording of Partitions: Lot Line Adjustments.

- A. Upon the Director's approval of the proposed submitted final partition plat or lot line adjustment and the City Council's acceptance of any dedicated land to the City, the applicant shall record the partition plat or lot line adjustment survey map with Columbia County and submit the recordation numbers to the City, to be incorporated into the record. Final plats must be recorded within 90 days after all required signatures are obtained.
- B. The applicant shall submit a recorded reproducible copy of the final partition plat or lot line adjustment survey map to the City within 15 days of recording, or notify the City Engineering Division of the County survey number.

1.172.130 Variances to Standards.

An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 1.144, Variances.

Chapter 1.176 EXPEDITED LAND DIVISIONS.

Section:

- 1.176.010 “Expedited Land Division” Defined; Applicability.**
- 1.176.020 Application for Expedited Land Division; Notice Requirements; Procedure.**
- 1.176.030 Failure of Local Government to Approve or Deny Application Within Specified Time.**
- 1.176.040 Appeal of Decision on Application for Expedited Land Division; Notice Requirements; Standards for Review; Procedure; Costs.**
- 1.176.050 Application Fees for Expedited Land Division.**

1.176.010 “Expedited Land Division” Defined; Applicability.

- A. An expedited land division:
 - 1. Is an action of a local government that:
 - a. Includes land that is zoned for residential uses and is within an urban growth boundary;
 - b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use;
 - c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
 - (1) Open spaces, scenic and historic areas and natural resources;
 - (2) The Willamette River Greenway;
 - (3) Estuarine resources;
 - (4) Coastal shorelands; and
 - (5) Beaches and dunes;
 - d. Satisfies minimum street or other right of way connectivity standards established by acknowledged land use regulations or, if such standards

- are not contained in the applicable regulations, as required by statewide planning goals or rules;
- e. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site;
2. Is a land division that:
 - a. Will create 3 or fewer parcels under ORS 92.010; and
 - b. Meets the criteria set forth for an action under Paragraph 1.a. to e. of this subsection.
- B. An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.
- C. The provisions of Section 1.176.010 to 1.176.050 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned development standards and any procedures designed to regulate:
1. The physical characteristics of permitted uses;
 2. The dimensions of the lots or parcels to be created; or
 3. Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right of way standards, facility dimensions and on-site and off-site improvements.
- D. An application to a local government for an expedited land division shall describe the manner in which the proposed division complies with each of the provisions of Subsection A of this section.

1.176.020 Application for Expedited Land Division; Notice Requirements; Procedure.

- A. When requested by an applicant for an expedited land division, in lieu of the procedure set forth in its comprehensive plan and land use regulations, the local government shall use the following procedures for an expedited land division under Section 1.176.010.

1. If the application for expedited land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 2. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- B. The local government shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property as per type of land division (e.g. subdivision, 300 feet; partitions, 200 feet). The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under Section 1.176.040, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.
- C. The notice required under Subsection B of this section shall:
1. State:
 - a. The deadline for submitting written comments;
 - b. That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and
 - c. That issues must be raised with sufficient specificity to enable the local government to respond to the issue;
 2. Set forth, by commonly used citation, the applicable criteria for the decision;
 3. Set forth the street address or other easily understood geographical reference to the subject property;
 4. State the place, date, and time that comments are due;
 5. State a time and place where copies of all evidence submitted by the applicant will be available for review;

6. Include the name and telephone number of a local government contact person; and
 7. Briefly summarize the local decision-making process for the expedited land division decision being made.
- D. After notice under Subsections B and C of this section, the local government shall:
1. Provide a 14-day period for submission of written comments prior to the decision;
 2. Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local government's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:
 - a. Shall not hold a hearing on the application; and
 - b. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination;
 3. Provide notice of the decision to the applicant and to those who received notice under Subsection B of this section within 63 days of the date of a completed application. The notice of decision shall include:
 - a. The summary statement described in paragraph 2.b. of this subsection; and
 - b. An explanation of appeal rights under Section 1.176.040.

1.176.030 Failure of Local Government to Approve or Deny Application Within Specified Time.

- A. Except as provided in Subsection B of this section, if the local government does not make a decision on an expedited land division within 63 days after the application is deemed complete, the applicant may apply in the Circuit Court for the County in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations

or the requirements of Section 1.176.010. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

- B. After 7 days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for 1 or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of Sections 1.176.010 to 1.176.050, including the mandamus remedy provided by Subsection A of this section, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.
- C. The decision to approve or not approve an extension under Subsection B of this section is not a land use decision or limited land use decision.

1.176.040 Appeal of Decision on Application for Expedited Land Division; Notice Requirements; Standards for Review; Procedure; Costs.

- A. An appeal of a decision made under Sections 1.176.010 and 1.176.020 shall be made as follows:
 - 1. An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under Subsection 1.176.020.D, and shall be accompanied by a \$300 deposit for costs.
 - 2. A decision may be appealed by:
 - a. The applicant; or
 - b. Any person or organization who files written comments in the time period established under Section 1.176.020.
 - 3. An appeal shall be based solely on allegations:
 - a. Of violation of the substantive provisions of the applicable land use regulations;
 - b. Of unconstitutionality of the decision;
 - c. That the application is not eligible for review under Sections 1.176.010 to 1.176.050 and should be reviewed as a land use decision or limited land use decision; or

- d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.
- B. The local government shall appoint a referee to decide the appeal of a decision made under Sections 1.176.010 and 1.176.020. The referee shall not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under Sections 1.176.010 and 1.176.020.
- C. Within 7 days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under Section 1.176.020.B that provided written comments to the local government and all providers of public facilities and services entitled to notice under Section 1.176.020 and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under Subsection A of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.
- D. The referee shall apply the substantive requirements of the local government's land use regulations and Section 1.176.010. If the referee determines that the application does not qualify as an expedited land division as described in Section 1.176.010, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.
- E. The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.
- F. Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.
- G. Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her

position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under Subsection A of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

- H. The Land Use Board of Appeals does not have jurisdiction to consider any decision, aspects of decisions or actions made under Sections 1.176.010 to 1.176.050.
- I. Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if it finds:
 - 1. That the decision does not concern an expedited land division as described in Section 1.176.010 and the appellant raised this issue in proceedings before the referee;
 - 2. A basis to reverse or remand the decision described in ORS 36.355 (1); or
 - 3. That the decision is unconstitutional.

1.176.050 Application Fees for Expedited Land Division.

Application fees for Expedited Land Division shall be the same as for subdivisions if over 3 lots, and the same as for partitions if less than 4 lots.

Chapter 1.180 PLANNED DEVELOPMENT.

Sections:

- 1.180.010 Purpose.**
- 1.180.015 The Process.**
- 1.180.020 Administration and Approval Process.**
- 1.180.030 Expiration of Approval: Standards for Extension of Time.**
- 1.180.040 Noncompliance: Bond.**
- 1.180.050 Applicability of Zone as Condition of Approval.**
- 1.180.060 Planned Development Allowed and Disallowed.**
- 1.180.070 Applicability and Allowed Uses.**
- 1.180.080 Applicability of the Base Zone Provisions.**
- 1.180.090 Applicability of Site Development Review Chapter.**
- 1.180.100 Phased Development.**
- 1.180.110 Application Submission Requirements: Preliminary Development Plan.**
- 1.180.120 Approval Standards.**
- 1.180.130 Site Conditions.**
- 1.180.140 Additional Information Required and Waiver of Requirements.**
- 1.180.150 Detailed Plan.**
- 1.180.160 Grading and Drainage Plan.**
- 1.180.170 The Landscape Plan.**
- 1.180.180 Sign Drawings.**
- 1.180.190 Exceptions to Underlying Zone, Yard, Parking, and Sign Provisions and the Landscaping Provisions.**
- 1.180.200 Shared Open Space.**

1.180.010 Purpose.

A. The purposes of the planned development overlay zone are:

1. To provide a means for creating planned environments through the application of flexible standards which allow for the application of new techniques and new technology in community development which will result in a superior living arrangement;
2. To facilitate the efficient use of land;
3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and
5. To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.

1.180.015 The Process.

- A. The planned development designation is an overlay zone applicable to all zones.
- B. There are 3 elements to the planned development approval process and the elements are as follows:
 1. The recommendation of approval by the Planning Commission of the planned development overlay zone and the subsequent approval by the City Council;
 2. The approval by the Planning Commission of the preliminary planned development plan; and
 3. The approval by the Director of the final detailed development plan.
- C. The planned development overlay zone shall be processed in the same manner as a zone change under the provisions of Section 1.070.090.C.16, Approval Authority Responsibilities, except in the situation where zone change is part of a legislative rezoning. In the case of an existing planned development overlay zone for a subdivision, conditional use or site development review application, the proposal shall be reviewed by the Commission. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.
- D. The application for the overlay zone and for approval of the preliminary development plan may be heard concurrently if an application for each of the actions is submitted.
- E. If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.
- F. The application for the preliminary development plan shall satisfy all of the requirements of Section 1.180.110. The applicant may file for exceptions under the provision of Section 1.180.190.

- G. The application for the detailed development plan shall satisfy all of the requirements of Subsection 1.180.020.G.
- H. The applicant can file for an overlay zone, or overlay plus preliminary planned development, or overlay zone and subdivision preliminary plat.

1.180.020 Administration and Approval Process.

- A. The applicant for a planned development overlay zone may be as provided by Section 1.070.020. The applicant for the preliminary plan and detailed plan shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. A pre-application conference with City staff is required. (See Section 1.070.040.)
- C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for no more than 6 months:
 - 1. Another pre-application conference is required if any planned development application is submitted 6 months after the pre-application conference; and
 - 2. Failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standard, criteria, or requirements of the applications.
- D. Notice of the planned development proceeding before the Commission shall be given as required by Section 1.070.130.
- E. Action on the application shall be in accordance with Chapter 1.070 and the following:
 - 1. The Commission shall make a recommendation per planned development overlay zone application to City Council for their final decision;
 - 2. Unless otherwise provided by this code, the Commission shall hold a public hearing and approve, approve with conditions, or deny the application for subdivision or development plan based on findings related to the applicable criteria set forth in Section 1.180.120; and
 - 3. A decision on subdivision or development plan by the Commission may be reviewed by the Council as provided by Subsection 1.070.310.B.
- F. Where a planned development overlay zone has been approved, the development zoning district map shall be amended to indicate the approved planned development designation for the subject development site.

- G. Within 1½ years after the date of Commission approval of the preliminary development plan, the owner shall prepare and file with the Director, a detailed, final development plan. Action on the detailed development plan shall be ministerial and taken by the Director; and
1. The Director shall approve the detailed, final development plan upon finding that the final plan conforms with the preliminary development plan approved, or approved with conditions by the Commission. The final plan shall be approved unless the Director finds:
 - a. The change increases the residential densities the lot coverage by buildings or reduces the amount of parking;
 - b. The change reduces the amount of open space and landscaping;
 - c. The change involves a change in use;
 - d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
 - e. The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping, or other site improvements;
 2. A decision by the Director may be appealed by the applicant or other affected/approved parties to the Commission and the Commission shall decide whether the detailed, final development plan substantially conforms to the approved preliminary development plan based on the criteria set forth in Subsection 1 of this section:
 - a. The decision shall be based on testimony from the applicant and the staff exclusively; and
 - b. No notice shall be required except as required by Section 1.070.120.
- H. Substantial modifications made to the approved preliminary development plan shall require a new application.

1.180.030 Expiration of Approval: Standards for Extension of Time.

- A. The approval of the planned development overlay zone shall not expire.

- B. The preliminary development plan approval by the Commission shall lapse if a detailed development plan proposal has not been submitted for approval within the 1½-year period or unless an extension of time is granted.
- C. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year provided that:
 - 1. No changes have been made on the original preliminary development plan as approved by the Commission;
 - 2. The applicant can show intent of applying for detailed development plan review within the 1-year extension period; and
 - 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.A.

1.180.040 Noncompliance: Bond.

- A. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- B. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued, except that:
 - 1. When the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed 1 year.

1.180.050 Applicability of Zone as Condition of Approval.

An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

1.180.060 Planned Development Allowed and Disallowed.

- A. A planned development shall not be allowed on any lands, with less than a 2-acre minimum, shown on the comprehensive plan map as "Developing Areas." (Section 1.150.030)
- B. A planned development shall not be allowed in residential zones located in areas designated as "Established Areas" on the comprehensive plan map except, the Commission may approve a planned development within an "Established Area" where the Commission finds:
 - 1. Development of the land in accordance with the provisions of the "Established Area" would:
 - a. Result in an inefficient use of land;
 - b. Result in removing significant natural features; or
 - c. Result in a change of the character of the area surrounding a significant historic feature or building;
 - 2. The planned development approach is the most feasible method of developing the area; and
 - 3. The site is of a size and shape that the compatibility provisions of Chapter 1.100 can be met.

1.180.070 Applicability and Allowed Uses.

- A. In addition to the use allowed outright in an underlying residential zone the following uses are allowed outright where all other applicable standards are met:
 - 1. Community building;
 - 2. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use;
 - 3. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - 4. Recreational vehicle storage area.
- B. In all commercial and industrial planned developments the uses permitted outright shall comply with the underlying zoning district.

1.180.080 Applicability of the Base Zone Provisions.

A. The provisions of the base zone are applicable as follows:

1. Lot Dimensional Standards:

The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 1.100;

2. Site Coverage:

The site coverage provisions of the base zone shall apply;

3. Building Height:

The building height provisions shall not apply except within 100 feet of an "Established Area"; and

4. Structure setback provisions:

a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 1.128;

b. The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and

c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:

(1) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.

(2) A minimum front yard setback of 8 feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

B. All other provisions of the base zone shall apply except as modified by this chapter.

1.180.090 Applicability of Site Development Review Chapter.

The provisions of Chapter 1.128 shall apply to all uses except as provided by Section 1.128.

1.180.100 Phased Development.

- A. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 7 years without reapplying for preliminary development plan review.
- B. The criteria for approving a phased detail development plan proposal are that:
 - 1. The public facilities shall be constructed in conjunction with or prior to each phase; and
 - 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

1.180.110 Application Submission Requirements: Preliminary Development Plan.

- A. All applications shall be made on forms provided by the Director and shall be accompanied by:
 - 1. 8 copies of the preliminary development plan(s) and necessary data or narrative which explains how the development conforms to the standards:
 - a. Sheet size for the preliminary development plan(s) and required drawings shall preferably not exceed 18 by 24 inches; and
 - b. The scale for a preliminary development plan shall be an engineering scale; and
 - 2. The required fee.
- B. The required information may be combined and does not have to be placed on separate maps.
- C. The preliminary development plan, data, and narrative shall include the following:
 - 1. Existing site conditions, Section 1.180.130;

2. A site concept, Section 1.180.150;
3. A grading concept, Section 1.180.160;
4. A landscape concept, Section 1.180.170;
5. A sign concept, Section 1.180.180; and
6. A copy of all existing or proposed restrictions or covenants.

1.180.120 Approval Standards.

- A. The approving authority shall make findings that the following criteria are satisfied when approving or approving with conditions, or the criteria are not satisfied when denying an application.
1. All the provisions of the land division provisions, Chapters 1.170 and 1.172, et seq., shall be met;
 2. The provisions of the following chapters shall also be met:
 - a. Chapter 1.100, Density Computation and Limitations;
 - b. Chapter 1.096, Solar Access Requirements;
 - c. Chapter 1.104, Additional Yard Area Requirements;
 - d. Chapter 1.106, Building Height Limitations: Exceptions;
 - e. Chapter 1.108, Landscaping and Screening;
 - f. Chapter 1.110, Visual Clearance Areas;
 - g. Chapter 1.114, Off-street Parking and Loading Requirements;
 - h. Chapter 1.116, Access, Egress, and Circulation;
 - i. Chapter 1.122, Signs; and
 - j. Chapter 1.156, Accessory Structures.

3. In addition, the following criteria shall be met:
 - a. Relationship to the natural and physical environment:
 - (1) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible (justification required);
 - (2) Structures located on the site shall not be in areas subject to ground slumping and sliding;
 - (3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;
 - (4) The structures shall be oriented with consideration for the sun and wind directions, where possible; and
 - (5) Trees with a 6-inch caliper measured at 4 feet in height from ground level, shall be saved where possible (justification required to cut down trees);
 - b. Buffering, screening, and compatibility between adjoining uses:
 - (1) Buffering shall be provided between different types of land uses (for example, between single-family and multiple-family residential, and residential and commercial);
 - (2) In addition to the requirements of the buffer matrix, the following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 1.108:
 - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and

- (e) Whether the viewer is stationary or mobile;
- (3) On-site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
 - (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round;
- c. Privacy and noise:
 - (1) Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- d. Private outdoor area: residential use:
 - (1) In addition to the requirements of subparagraph (3), each ground level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet;
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space;
- e. Shared outdoor recreation areas: residential use:
 - (1) In addition to subparagraphs (2) and (3) of this section each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - (a) Studio units up to and including 2 bedroom units, 200 square feet per unit; and
 - (b) 3 or more bedroom units, 300 square feet per unit;

- (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
 - (3) The required recreation space may be provided as follows:
 - (a) It may be all outdoor space; or
 - (b) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or
 - (c) It may be all public or common space; or
 - (d) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or
 - (e) Where balconies are added to units, the balconies shall not be less than 48 square feet;
- f. Access and circulation:
- (1) The number of allowed access points for a development shall be provided in Chapter 1.116;
 - (2) All circulation patterns within a development must be designed to accommodate emergency vehicles; and
 - (3) Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan;
- g. Landscaping and open space:
- (1) Residential Development:

In addition to the requirements of subparagraphs (d) and (e) of Section 3 of this subsection, a minimum of 20 percent of the site shall be landscaped;
 - (2) Commercial Development:

A minimum of 15 percent of the site shall be landscaped; and
 - (3) Industrial Development:

A minimum of 15 percent of the site shall be landscaped;

h. Signs:

(1) In addition to the provisions of Chapter 1.122, Signs:

- (a) Location of all signs proposed for the development site;
and
- (b) The signs shall not obscure vehicle driver's sight distance;

i. Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 1.114;
- (2) Up to 50 percent of required off-street parking spaces for single-family attached dwellings may be provided on 1 or more common parking lots within the planned development as long as each single-family lot contains 1 off-street parking space;

j. Drainage:

- (1) All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 1.092 and the criteria in the adopted 1999 master drainage plan;

1.180.130 Site Conditions.

A. The site analysis shall include:

- 1. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access;
- 2. The parcel boundaries, dimensions, and gross area;
- 3. Contour lines at 2-foot intervals for slopes from zero to 10 percent and 5-foot intervals from slopes over 10 percent;
- 4. The drainage patterns and drainage courses on the site and on adjacent lands;
- 5. Potential natural hazard areas including:
 - a. Floodplain areas;

- b. Areas having a high seasonal water table within zero to 24 inches of the surface for 3 or more weeks of the year;
 - c. Unstable ground (areas subject to slumping, earth slides or movement). See soil conservation service maps;
 - d. Areas having a severe soil erosion potential; and
 - e. Areas having severe weak foundation soils;
6. Resource areas including:
- a. Wetland areas; and
 - b. Wildlife habitat areas identified by the City in its comprehensive plan;
7. Site features including:
- a. Large rock outcroppings;
 - b. Areas having unique views; and
 - c. Streams and stream corridors;
8. The location of trees having a 6-inch caliper at 4 feet and where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be submitted and only those trees that will be affected by the proposed development need to be sited accurately;
9. The location and type of noise sources.
- B. Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project shall be submitted which shows the area can be made suitable for the proposed development.

1.180.140 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Subsection 1.070.080.A.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B and C.

1.180.150 Detailed Plan.

- A. The site plan shall be at the same scale as the site conditions, and shall show the following:
1. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development;
 2. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, section lines, corners, and monuments;
 3. The location of at least 1 temporary benchmark and contours as provided by Subsection 1.180.130.A.3.;
 4. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;
 5. The location, dimensions, and names of all:
 - a. Existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site; and
 - b. Proposed streets or other public ways, easements on the site;
 6. The location, dimensions and setback distances of all:
 - a. Existing structures, improvements, utility and drainage facilities on adjoining properties;
 - b. Existing structures, improvements, utility and drainage facilities to remain on the site; and
 - c. Proposed structures, improvements, utility and drainage facilities on the site;
 7. The location and dimensions of:
 - a. The entrances and exits to the site;
 - b. The parking and circulation areas;
 - c. Pedestian and bicycle circulation areas;
 - d. On-site outdoor recreation spaces and common areas; and

- e. Above ground utilities;
- 8. The location of areas to be landscaped; and
- 9. The location and type of street lighting with specific consideration given to crime prevention.

1.180.160 Grading and Drainage Plan.

- A. The grading and drainage plan shall be at the same scale as the site conditions and shall include the following:
 - 1. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals;
 - 2. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance with the City's master drainage plan. This shall be reviewed by the City Engineer; and
 - 3. Identification information including the name and address of the owner, developer, project designer, and the project engineer.

1.180.170 The Landscape Plan.

- A. The landscape plan shall be prepared on the site plan and in addition shall show:
 - 1. The conceptual location of the underground irrigation system or hose bibs where applicable;
 - 2. The location and height of fences and other buffering or screening materials;
 - 3. The location, size, and species of existing plant materials;
 - 4. General location and function of proposed plant materials (buffer, shading, cover, etc.); and
 - 5. The location of trees to be removed.
- B. The landscape plan shall be accompanied by a narrative description of:
 - 1. The soil conditions and plant selection requirements relating to the soil conditions;

2. Plans for soil treatment such as stockpiling the top soil; and
3. The erosion controls which will be used if necessary.

1.180.180 Sign Drawings.

Specify location and size.

1.180.190 Exceptions to Underlying Zone, Yard, Parking, and Sign Provisions and the Landscaping Provisions.

- A. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:
 1. The minor exception is not greater than 10 percent of the required parking; and
 2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or
 3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
 4. Public transportation is available to the site, reducing the standards and will not adversely affect adjoining uses; or
 5. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.
- B. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:
 1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;
 2. The exception is necessary for adequate identification of the use on the property; and
 3. The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.

- C. The Commission may grant an exception to the landscape requirements of this code upon a finding that:
1. The overall landscape plan provides for 20 percent of the gross site area to be landscaped.

1.180.200 Shared Open Space.

- A. Where the open space is designated on the plan as common open space the following applies:
1. The open space area shall be shown on the final plan and recorded with the Director; and
 2. The open space shall be conveyed in accordance with 1 of the following methods:
 - a. By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement, and budgetary and maintenance limitations;
 - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
 - (1) The continued use of such land for the intended purposes;
 - (2) Continuity of property maintenance;
 - (3) When appropriate, the availability of funds required for such maintenance;
 - (4) Adequate insurance protection; and
 - (5) Recovery for loss sustained by casualty and condemnation or otherwise;
 - c. By any method which achieves the objectives set forth in Subsection A(2) of this section.

Chapter 1.184 STREET AND UTILITY IMPROVEMENT STANDARDS.

Sections:

- 1.184.010 Purpose.**
- 1.184.020 General Provisions.**
- 1.184.030 Streets.**
- 1.184.040 Blocks.**
- 1.184.050 Easements.**
- 1.184.060 Sidewalks.**
- 1.184.070 Public Use Areas.**
- 1.184.080 Water Services.**
- 1.184.090 Sanitary Sewers.**
- 1.184.100 Storm Drainage.**
- 1.184.110 Bikeways.**
- 1.184.120 Utilities.**
- 1.184.130 Cash or Bond Required.**
- 1.184.140 Monuments.**
- 1.184.150 Installation: Prerequisite/Permit Fee.**
- 1.184.160 Installation: Conformation Required.**
- 1.184.170 Plan Checking Required.**
- 1.184.180 Notice to City Required.**
- 1.184.190 City Inspection Required.**
- 1.184.200 Engineer's Certification Required.**

1.184.010 Purpose.

The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage and to indicate when and where they are required.

1.184.020 General Provisions.

- A. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this code.
- B. The City Engineer may recommend changes or supplements to the standard specifications consistent with the application of engineering principles.

- C. The appropriate provision of the St. Helens Municipal Code shall apply to this chapter.
- D. The City has adopted City of St. Helens Engineering Department Public Facilities Construction Standards Manual.

1.184.030 Streets.

A. Improvements:

- 1. No development shall occur unless the development has frontage or approved access to a public street:
 - a. Streets within a development and streets adjacent shall be improved in accordance with this code;
 - b. Development on site adjacent to nonstandard street shall require improvement of street to applicable City standards;
 - c. Any new street or additional street width planned as a portion of an existing dedicated/public street shall be dedicated and improved in accordance with this code; and
 - d. The Director may accept a future improvement guarantee in lieu of street improvements if 1 or more of the following conditions exist:
 - (1) A partial improvement is not feasible due to the inability to achieve proper design standards;
 - (2) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (3) Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - (4) The improvement would be in conflict with an adopted capital improvement plan;
 - (5) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or

- (6) Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

B. Creation of Rights-of-way for Streets and Related Purposes:

1. Rights-of-way shall be created through the approval of a final land division plat; however, the Council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the Council for the purpose of general traffic circulation:
 - a. The Council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to land divisions if any 1 or more of the following conditions are found by the Council to be present:
 - (1) Establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
 - (2) The tract in which the road or street is to be dedicated is an isolated ownership of 1 acre or less and such dedication is recommended by the Commission to the Council based on a finding that the proposal is not an attempt to evade the provisions of this code governing the control of land divisions;
 - b. With each application for approval of a road or street right of way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of land division:
 - (1) The applicant shall submit such additional information and justification as may be necessary to enable the Commission in its review to determine whether or not a recommendation for approval by the Council shall be made;
 - (2) The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this code;
 - (3) The Commission in submitting the proposal with a recommendation to the Council may attach conditions which are necessary to preserve the standards of this code; and

- c. All deeds of dedication shall be in a form prescribed by the City and shall name "the public," as grantee.

C. Creation of Access Easements:

1. The approval authority may approve an access easement established by deed without full compliance with this code provided such an easement is the only reasonable method by which a lot, large enough to develop, can be created:
 - a. Access easements which exceed 150 feet shall be improved in accordance with the Uniform Fire Code;
 - b. Access shall be in accordance with Chapter 1.116 and figures 15, 16, and 17.

D. Street Location, Width and Grade:

1. The location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:
 - a. Street grades shall be approved by the City Engineer in accordance with Subsection M below; and
 - b. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
 - (1) Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
 - (2) Conform to a plan adopted by the Commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

E. Minimum Rights-of-Way and Street Widths:

1. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street, street right of way and roadway widths shall not be less than the minimum width described in Figure 19. Where a range is indicated, the width shall be determined by the decision-making

authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt, by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) (See City of St. Helens Engineering Department Public Facilities Construction Standards Manual)

- a. The Planning Director shall recommend, to the decision-making body, desired right of way width and pavement width of the various street types within the subdivision or development after consideration of the following:

- (1) The type of road as set forth in Figure 19, Road Standards;

ROAD STANDARDS

MINIMUM RIGHT OF WAYS AND STREET WIDTHS (see Transportation Systems Plan [TSP])				
				Figure 19
Type of Street	Right of way Width	Roadway Width	Moving Lanes	Bicycle Lanes*
Minor Arterial	60'	36-48'	2-4	2-6'
Collector	60'	24-40'	2-3	2-5'
Local— Commercial, Industrial	50'	34'	2	2-4'
Local—Residential	50'	34'	2	2-4'
Residential Access— through street with less than 500 ADT	40-46'	24-28'	1-2	0
Residential Access— cul-de-sac dead-ends (not more than 400' long and serving not more than 20 dwelling units)	36-44'	24-28'	1-2	0
Turn-arounds for dead-ends in industrial and commercial zones only	50' radius	42' radius		0
Turn-arounds for cul-de-sac dead-ends in residential zones only	42' radius	35' radius		0
Alley—Residential, Business, or Industrial	16' 20'	16' 20'		0

* Applies to Bicycle Lanes required in Transportation Systems Plan (TSP) or Public Facilities Plan (PFP)

- (2) Anticipated traffic generation;
- (3) On-street parking needs;
- (4) Sidewalk and bikeway requirements;
- (5) Requirements for placement of utilities;
- (6) Street lighting;
- (7) Drainage and slope impacts;
- (8) Street tree location;
- (9) Planting and landscape areas;
- (10) Safety for motorists, bicyclists, and pedestrians; and
- (11) Access needs for emergency vehicles;

- b. Improvements to streets shall be made according to adopted City standards, unless the approval authority determines that the standards will result in an unacceptable adverse impact on existing development or on the proposed development or on natural features such as wetlands, steep slopes or existing mature trees. In approving an exception to the standards, the approval authority shall determine that the potential adverse impacts exceed the public benefits of the standards. In evaluating the public benefits, the approval authority shall consider the criteria listed in sub-paragraph "a" above.

F. Future Street Plan and Extension of Streets:

1. A future street plan shall:

- a. Be filed by the applicant in conjunction with an application for a land division. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 200 feet surrounding and adjacent to the proposed land division. At the applicant's request and expense, the City shall prepare a future streets proposal. A street proposal may be modified when subsequent land division proposals are submitted ; and
- b. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 500 feet of the site.

2. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and:
 - a. These extended streets or street stubs to adjoining properties are not considered to be culs-de-sac since they are intended to continue as through streets at such time as the adjoining property is developed;
 - b. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost; and
 - c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub street in excess of 150 feet in length.

G. Street Alignment and Connections:

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of such street. Minimum separation of 125 feet between local street intersections is recommended;
2. All local and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign, or reconfigure the street pattern to provide required extensions. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection;
3. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers, such as schools, shopping areas and parks; and
4. All developments should provide an internal network of connecting streets that minimizes travel distances within the development.

H. Intersection Angles:

1. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case shall the angle be less than 60 unless there is special intersection design, and:

- a. Streets shall have at least 25 feet of tangent adjacent to the right of way intersection unless topography requires a lesser distance;
- b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right of way lines of the acute angle; and
- c. Right of way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

I. Existing Rights-of-Way:

1. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of land division or development.

J. Partial Street Improvements:

1. Partial street improvements resulting in a pavement width of less than 20 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

K. Culs-de-sac:

1. A cul-de-sac shall be no more than 400 feet long nor provide access to greater than 20 dwelling units:
 - a. All culs-de-sac shall terminate with a turnaround. Use of turnaround configurations other than circular, shall be approved by the City Engineer;
 - b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac; and
 - c. An intersecting street must lead to another street or be a future street with the practical ability to be extended someday.
2. If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.

L. Street Names:

1. No street name shall be used which will duplicate or be confused with the names of existing streets in Columbia County Emergency Communications District, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area or as agreed with Columbia County.

M. Grades and Curves:

1. Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no greater than 250 feet), and:
 - a. Centerline radii of curves shall not be less than 700 feet on arterials, 500 feet on collectors, or 100 feet on other streets; and
 - b. Streets intersecting with a collector functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5 percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

N. Curbs, Curb Cuts, Ramps, and Driveway Approaches:

1. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in the City of St. Helens Engineering Department Public Facilities Construction Standards Manual, and:
 - a. Concrete curbs and driveway approaches are required; except where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval;
 - b. Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards; and
 - c. All driveways shall be at right angle to public or private street for at least 20 feet.

O. Streets Adjacent to Railroad Right of way.

1. Wherever the 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, and:

- a. The distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right of way in nonindustrial areas.

P. Access to Arterials and Collectors:

1. Where a development abuts or is traversed by an existing or proposed arterial or collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:
 - a. A parallel access street along the arterial or collector;
 - b. Lots of suitable depth abutting the arterial or collector to provide adequate buffering with frontage along another street;
 - c. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial or collector; or
 - d. Other treatment suitable to meet the objectives of this subsection;
2. See City of St. Helens Engineering Department Public Facilities Construction Standards Manual.

Q. Alleys, Public or Private:

1. Alleys, 20 feet in width, shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made, and:
 - a. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

R. Survey Monuments:

1. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

S. Private Streets:

1. Design standards for private streets shall be established by the City Engineer;
 2. The City shall require legal assurances for the continued maintenance of private streets, such as:
 - a. A bonded maintenance agreement; and
 - b. The creation of a homeowners association;
- T. Railroad Crossings:
1. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works Director and approved by the Commission.
- U. Street Signs:
1. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.
- V. Mailboxes:
1. Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least 2 dwelling units or as required by the Postmaster.
 - a. Joint mailbox structures shall be placed adjacent to roadway curbs;
 - b. Proposed locations of joint mailboxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the City Engineer/US Post Office prior to final plan approval; and
 - c. Plans for the joint mailbox structures to be used shall be submitted for approval by the City Engineer/US Post Office prior to final approval.
- W. Traffic Signals:
1. The location of traffic signals shall be noted on approved street plans, and:
 - a. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The cost shall be included as a condition of development.

X. Street Light Standards:

1. Street lights shall be installed in accordance with regulations adopted by the City's direction. At the very least, there shall be a street light at each street intersection.

Y. Street Name Signs:

1. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

Z. Street Cross Sections:

1. The cross-section of streets in inches shall not be less than the minimum shown in the City of St. Helens Engineering Department Public Facilities Construction Standards Manual:

CROSS SECTION OF STREETS IN INCHES			Figure 20
Type of Street	Subbase	Leveling Course	Surface
Minor Arterial	12"	4"	4"
Commercial and Collectors	12"	3"	4"
Local	8"	2"	3"
Residential Access	8"	2"	3"

1.184.040 Blocks.

A. Block Design:

1. 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 limitations and opportunities of topography.

B. Sizes:

1. The perimeter of blocks formed by streets shall not exceed 1,800 feet measured along the right of way line except:
 - a. Where street location is precluded by natural topography, wetlands or other bodies of water, or pre-existing development;

- b. For blocks adjacent to arterial streets, limited access highways, collectors or railroads; or
 - c. For non-residential blocks in which internal public circulation provides equivalent access;
2. When block lengths greater than 600 feet are permitted, pedestrian/bikeways shall be provided through the block.

1.184.050 Easements.

A. Easements:

1. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and:
 - a. Where a development is traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the watercourse.

B. Utility Easements:

1. A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development:

1.184.060 Sidewalks.

A. Sidewalks shall be constructed, replaced or repaired to City design standards as set forth in the standard specifications manual and located as follows:

1. On both sides of arterial and collector streets to be built at the time of street construction;
2. On both sides of all other streets and in pedestrian easements and rights-of-way, except as provided further in this section or per Section 1.184.030.A.1.d., to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property; and

3. On at least 1 side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations.
- B. A planter strip separation of at least 5 feet between the curb and the sidewalk shall be required in the design of any arterial street where parking is prohibited adjacent to the curb, except where the following conditions exist: there is inadequate right of way; the curbside sidewalks already exist on predominant portions of the street; or it would conflict with the utilities.
- C. Maintenance:
1. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
- D. Application for Permit and Inspection:
1. If the construction of a sidewalk is not included in a performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks as provided by this chapter, shall, before entering upon the work or improvement, apply for a street opening permit to the Engineering department to so build or construct:
 - a. An occupancy permit shall not be issued for a development until the provisions of this section are satisfied.
 - b. The City Engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for 1 or more of the following reasons:
 - (1) Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
 - (2) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
 - (3) Street right of way is insufficient to accommodate a sidewalk on 1 or both sides of the street; or
 - (4) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible;

- c. The City Engineer shall inspect the construction of sidewalks for compliance with the provision set forth in the standard specifications manual.

E. Council Initiation of Construction:

1. In the event 1 or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with City ordinances:
 - a. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;
 - b. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;
 - c. 50 percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks; and
 - d. A criteria which allowed noncompliance under Section E.1.b above no longer exists and a sidewalk could be constructed in conformance with City standards.

1.184.070 Public Use Areas.

A. Indicated in Development Plan: Dedication Requirements:

1. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision.

B. Not Indicated in Development Plan: Dedication Requirements:

1. Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the offer of a dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

C. Acquisition by Public Agency:

1. If the subdivider is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

1.184.080 Water Services.

A. Water Supply (Required):

1. Municipal water system shall be installed to serve each new development and to connect development to existing mains in accordance with the provisions set forth in the Standard Specification Manual and the adopted policies of the St. Helens Comprehensive Plan.

B. Water Supply Plan Approval:

1. The City Engineer shall approve all water supply plans and proposed systems prior to issuance of development permits involving water service.

C. Oversizing:

1. Proposed water systems shall include consideration of additional development within the area as projected by the St. Helens Comprehensive Plan.

D. Permits Denied:

1. Development permits may be restricted by the Commission where a deficiency exists in the existing water system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the water system.

- E. In some cases, a municipal water system may not be required such as for non-consumption purposes like landscape irrigation or industrial processing. The City Engineer and Building Official shall decide when this exception is to be allowed.

1.184.090 Sanitary Sewers.

A. Sewers (Required):

1. Sanitary sewers shall be installed to serve all properties being developed and having to comply with plumbing codes adopted by the City of St. Helens except where a variance is approved by the Director per Chapter 1.144.
 2. Any proposed installation of sanitary sewers shall comply with this section.
- B. Sewer Plan Approval:
1. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Oversizing:
1. Proposed sewer systems shall include consideration of additional development within the area as projected by the St. Helens Comprehensive Plan.
- D. Permits Denied:
1. Development permits may be restricted by the Commission where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

1.184.100 Storm Drainage.

- A. Storm Drainage: General Provisions:
1. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:
 - a. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
 - b. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
 - c. Surface water drainage patterns shall be shown on every development proposal plan.
- B. Easements:

1. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.
- C. Accommodation of Upstream Drainage (must comply with State and Federal requirements):
1. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and:
 - a. The City Engineer shall approve the necessary size of the facility, based on the provisions of the City's adopted master drainage plan.
- D. Effect on Downstream Drainage:
1. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the City's current master drainage plan.

1.184.110 Bikeways.

- A. Developments adjoining proposed bikeways identified on the adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way. (subject to constitutional limitations)
- B. Development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.(subject to constitutional limitations)
- C. Minimum width for bikeways within the roadway is 5 feet per bicycle travel lane. Minimum width for 2-way bikeways separated from the road is 8 feet.

1.184.120 Utilities.

- A. Underground Utilities:

1. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:
 - a. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services;
 - b. The City reserves the right to approve location of all surface mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the subdivider, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Information on Development Plans:

1. The applicant for a subdivision shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:
 - a. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
 - b. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.

C. Exception to Undergrounding Requirement:

1. The applicant shall pay a fee in lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of undergrounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities;

2. An applicant for a development which is served by utilities which are not underground and which are located across a public right of way from the applicant's property shall pay the fee in lieu of undergrounding; and
3. The exceptions in Subsections 1 and 2 of this section shall apply only to existing utility lines. All new utility lines shall be placed underground.

D. Fee In Lieu Of Undergrounding:

1. The City Engineer shall establish utility service areas in the City. All development which occurs within a utility service area shall pay a fee in lieu of undergrounding for utilities if the development does not provide underground utilities, unless exempted by this code;
2. The City Engineer shall establish the fee by utility service area which shall be determined based upon the estimated cost to underground utilities within each service area. The total estimated cost for undergrounding in a service area shall be allocated on a front-foot basis to each party within the service area. The fee due from any applicant shall be calculated based on a front-foot basis;
3. An applicant shall receive a credit against the fee for costs incurred in the undergrounding of existing overhead utilities. The City Engineer shall determine the amount of the credit, after review of cost information submitted by the applicant with the request for credit; and
4. The funds collected in each service area shall be used for undergrounding utilities within the City at large. The City Engineer shall prepare and maintain a list of proposed undergrounding projects which may be funded with the fees collected by the City. The list shall indicate the estimated timing and cost of each project. The list shall be submitted to the City Council for their review and approval annually.

1.184.130 Cash or Bond Required.

- A. All public improvements installed by the land divider shall be guaranteed as to workmanship and material for a period of 1 year following acceptance by the City Council.
- B. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the City Engineer.
- C. The cash or bond shall comply with the terms and conditions of Section 1.170.180.

1.184.140 Monuments.

Any monuments that are disturbed before all improvements are completed by the land divider shall be replaced prior to final acceptance of the improvements.

1.184.150 Installation: Prerequisite/Permit Fee.

- A. No land division public facility improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid (if any), and permit issued (if required).
- B. A permit fee may be required to defray the cost and expenses incurred by the City for construction and other services in connection with the public facility improvement. The permit fee shall be determined by the City Engineer based upon estimates.

1.184.160 Installation: Conformation Required.

- A. In addition to other requirements, public facility improvements installed by the land divider either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and to improvement standards and specifications followed by the City.
- B. The Standard Specifications for Public Works Construction and Oregon Chapter A.P.W.A. shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

1.184.170 Plan Checking Required.

- A. Work shall not begin until 4 (for City Engineer, Applicant, Public Works, and file) sets of construction and construction estimate plans have been submitted and checked for adequacy and approved by the City in writing.
- B. All such plans shall be prepared in accordance with requirements of the City.

1.184.180 Notice to City Required.

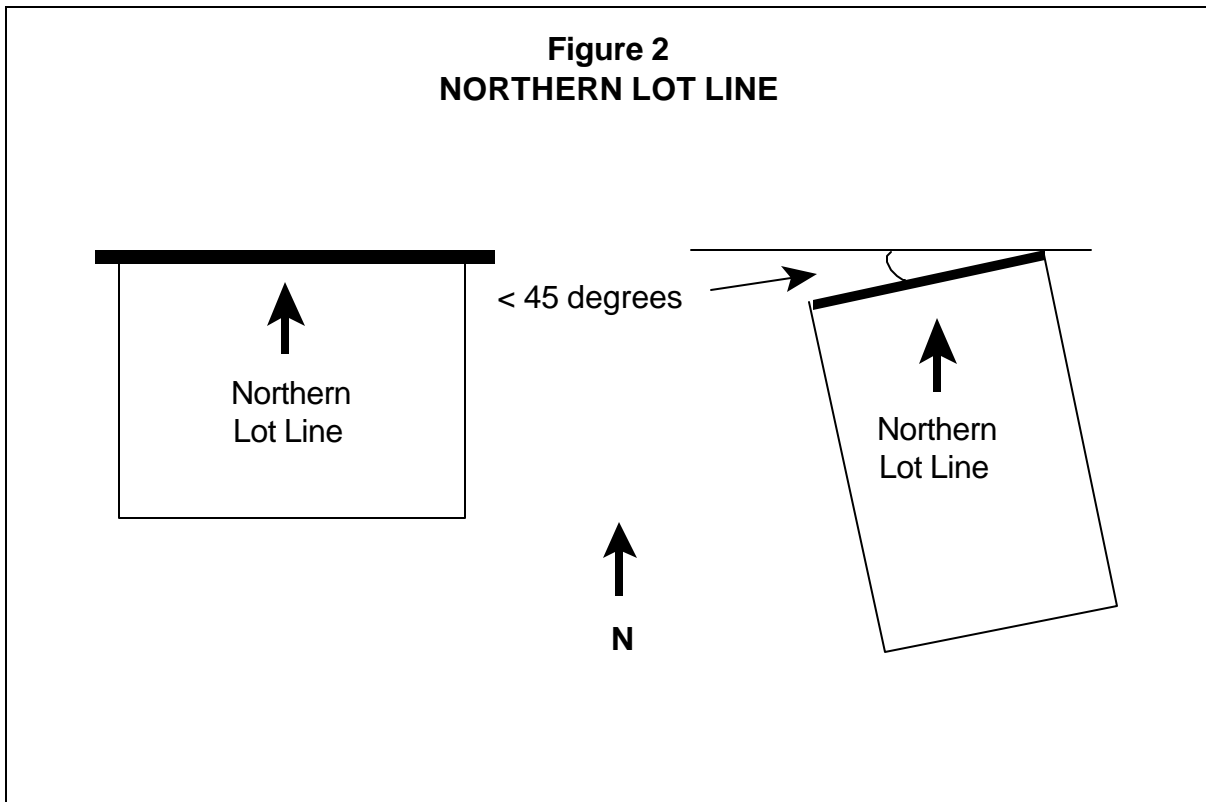
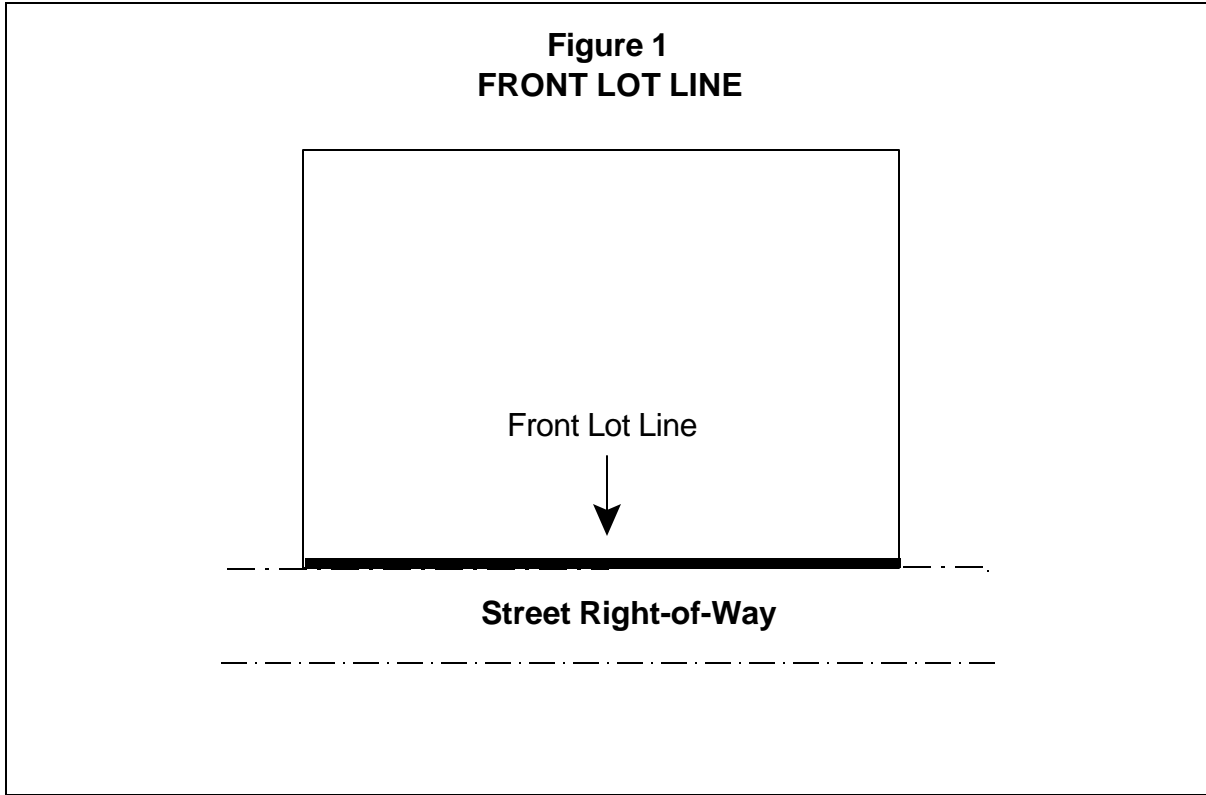
- A. Work shall not begin until the City has been notified in advance.
- B. If work is discontinued for any reason, it shall not be resumed until the City is notified.

1.184.190 City Inspection Required.

Public facility improvements shall be constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

1.184.200 Engineer's Certification Required.

The land divider's engineer shall provide written certification of a form provided by the City that all public facility improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to City acceptance of the subdivision's public improvements or any portion thereof for operation and maintenance. In most cases, "as built" drawings are required prior to acceptance by the City of any public facilities.



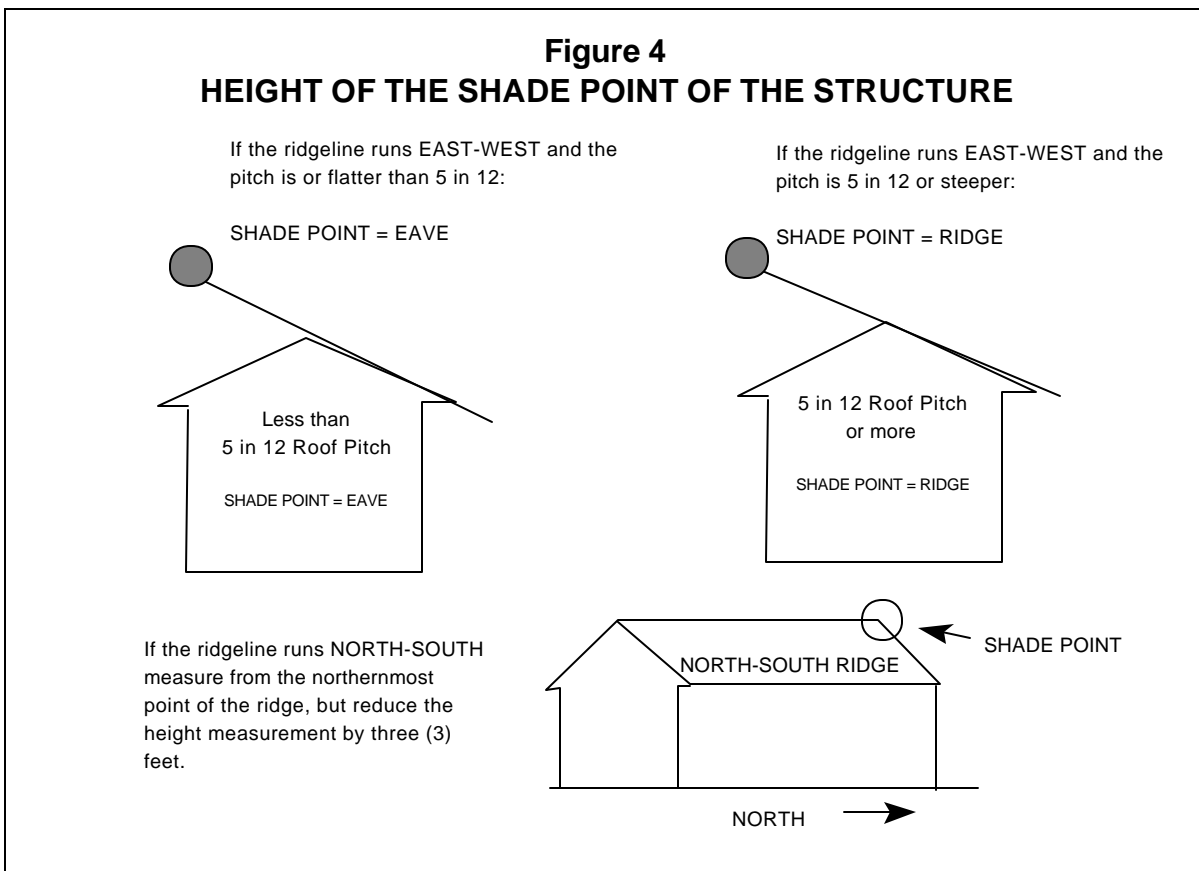
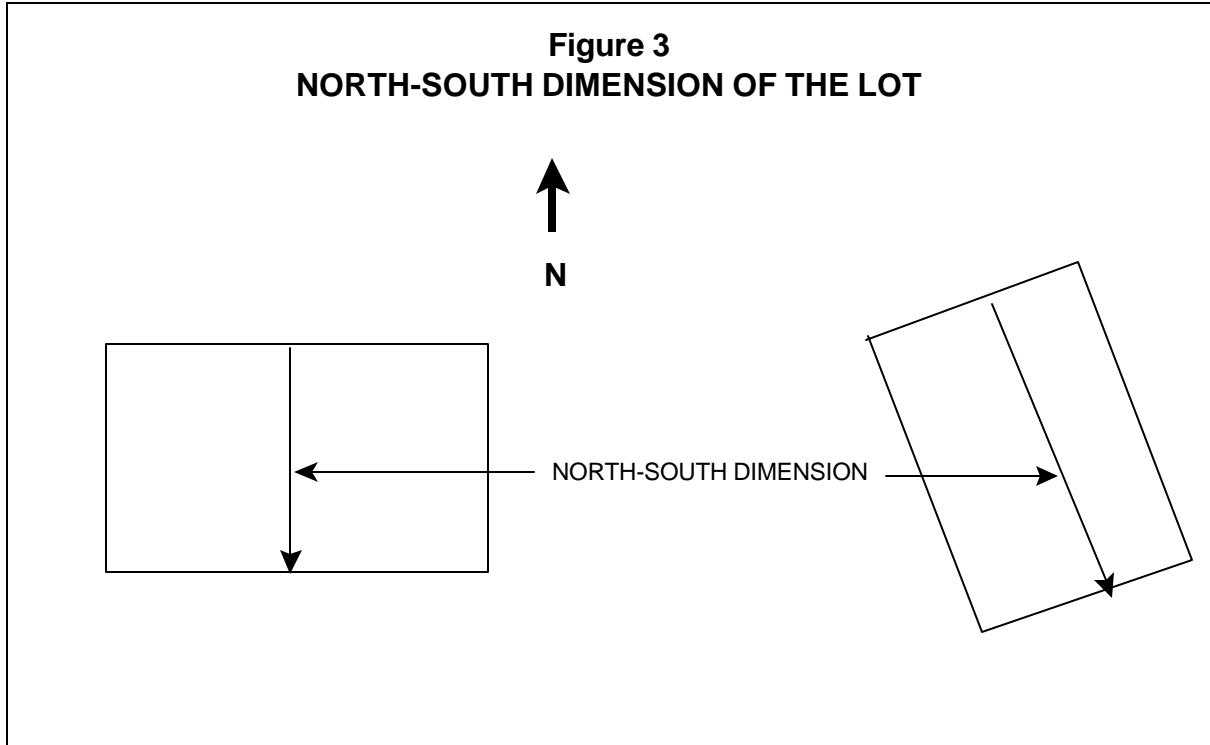


Figure 5
SHADE POINT HEIGHT

Measure to average grade at the front lot line.

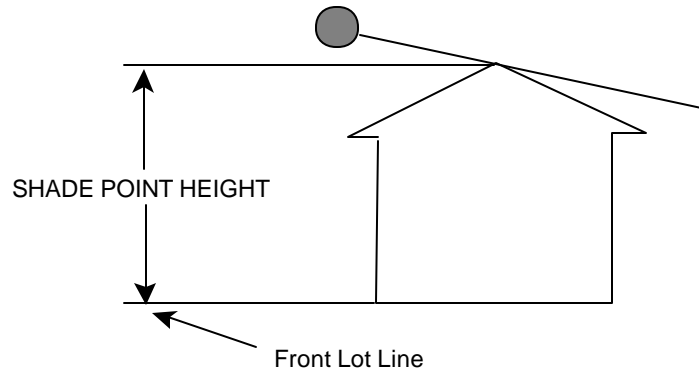
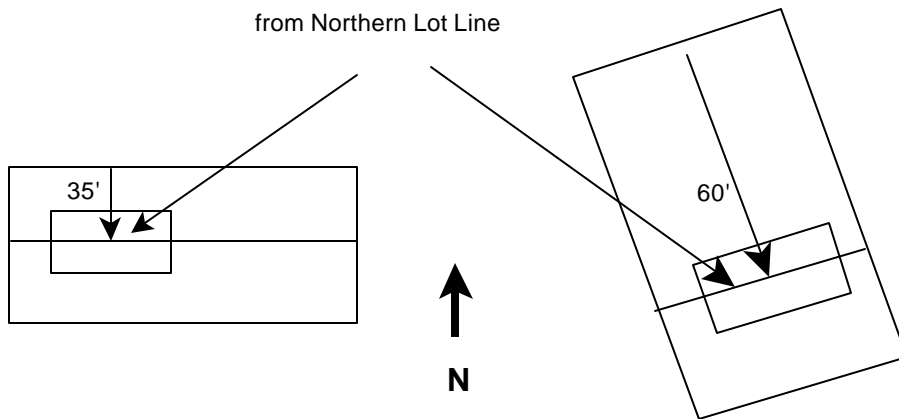
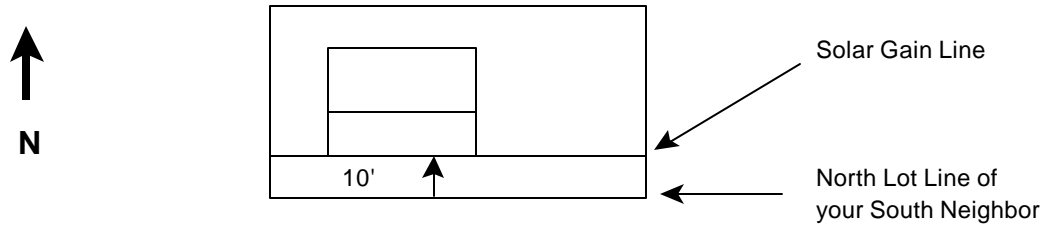


Figure 6
SHADE REDUCTION LINE

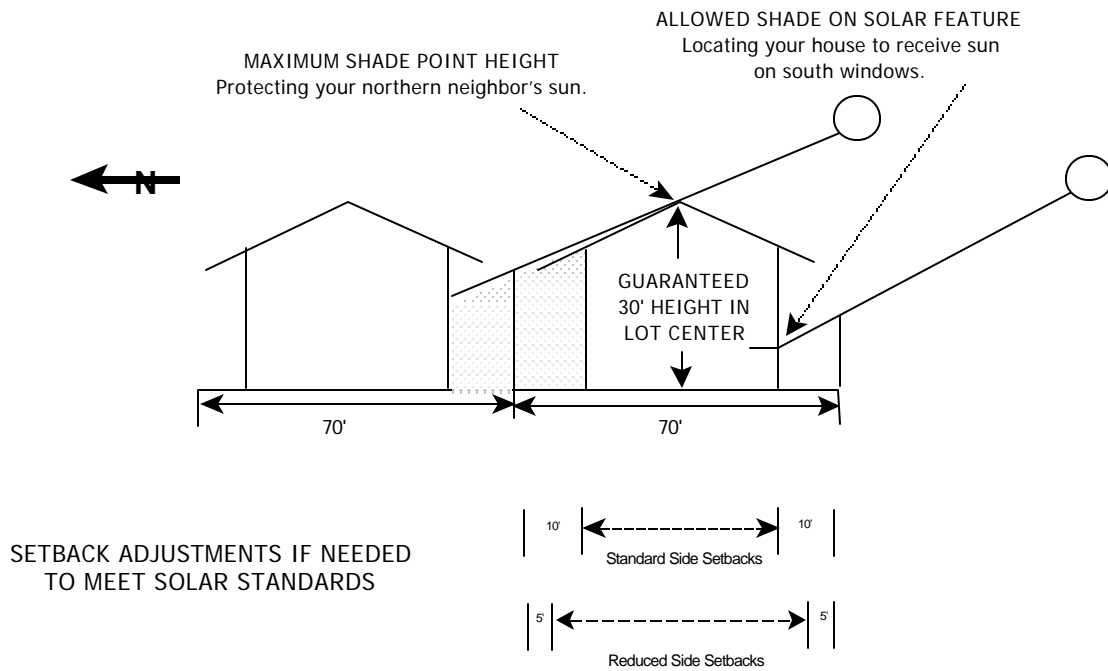
Shade Reduction Line
measured to Shade Point
from Northern Lot Line



**Figure 7
SOLAR GAIN LINE**



**Figure 8
SOLAR BALANCE POINT STANDARD**



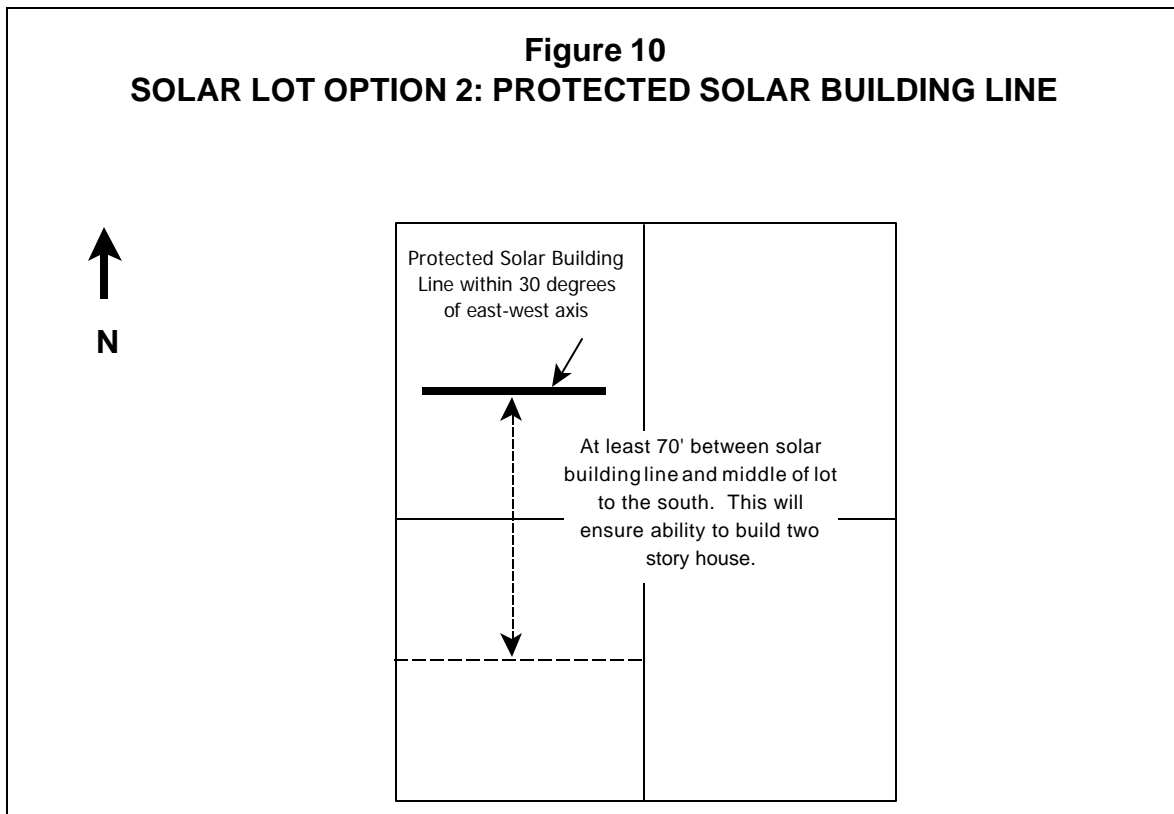
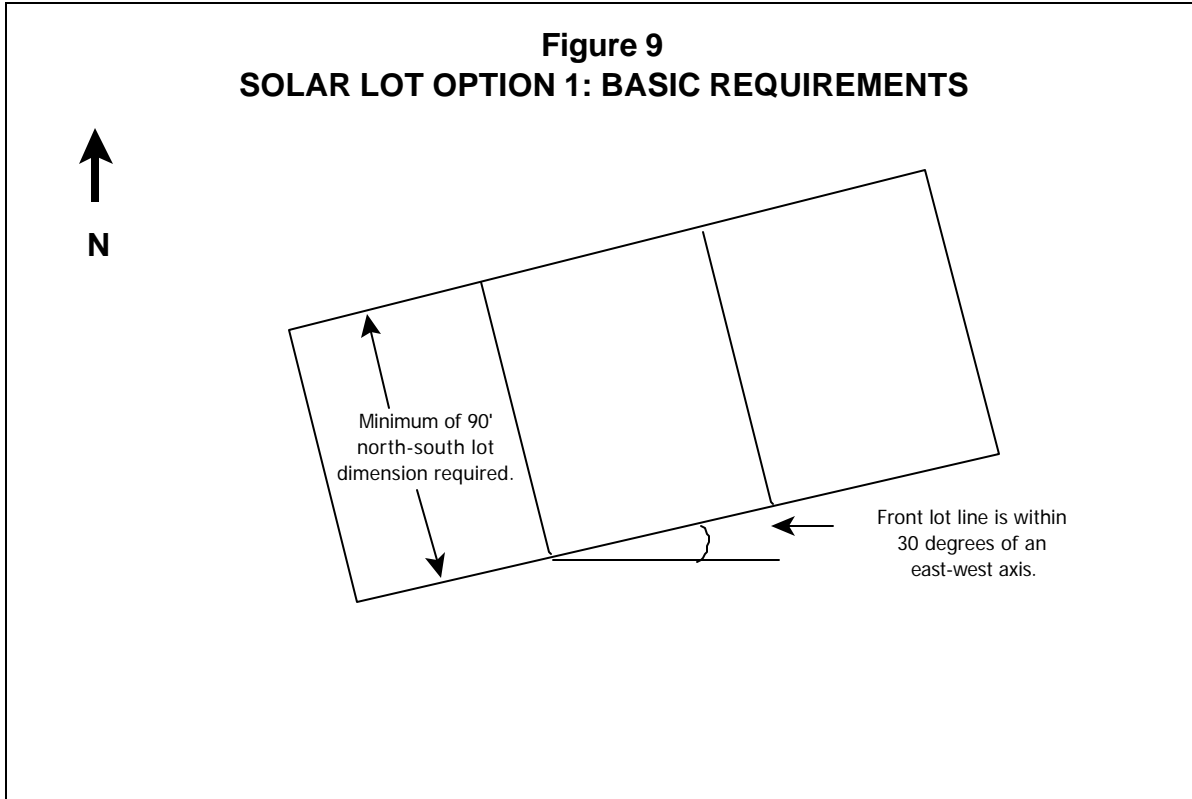
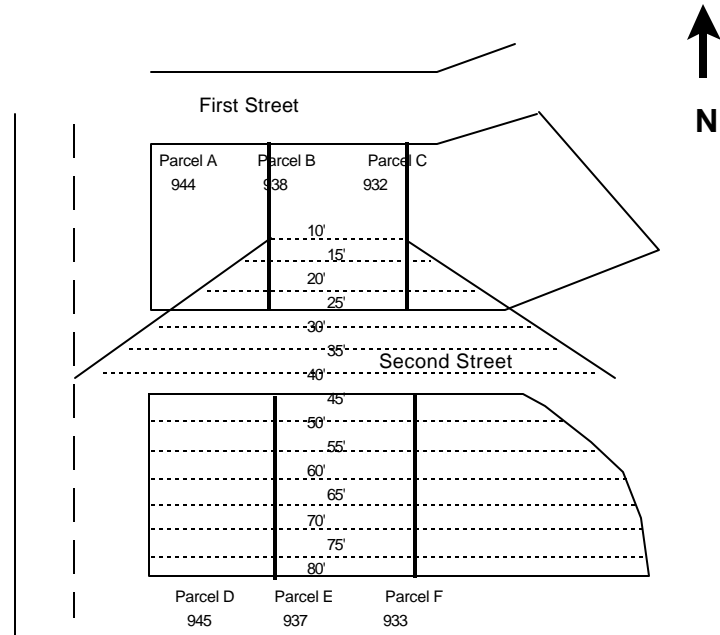
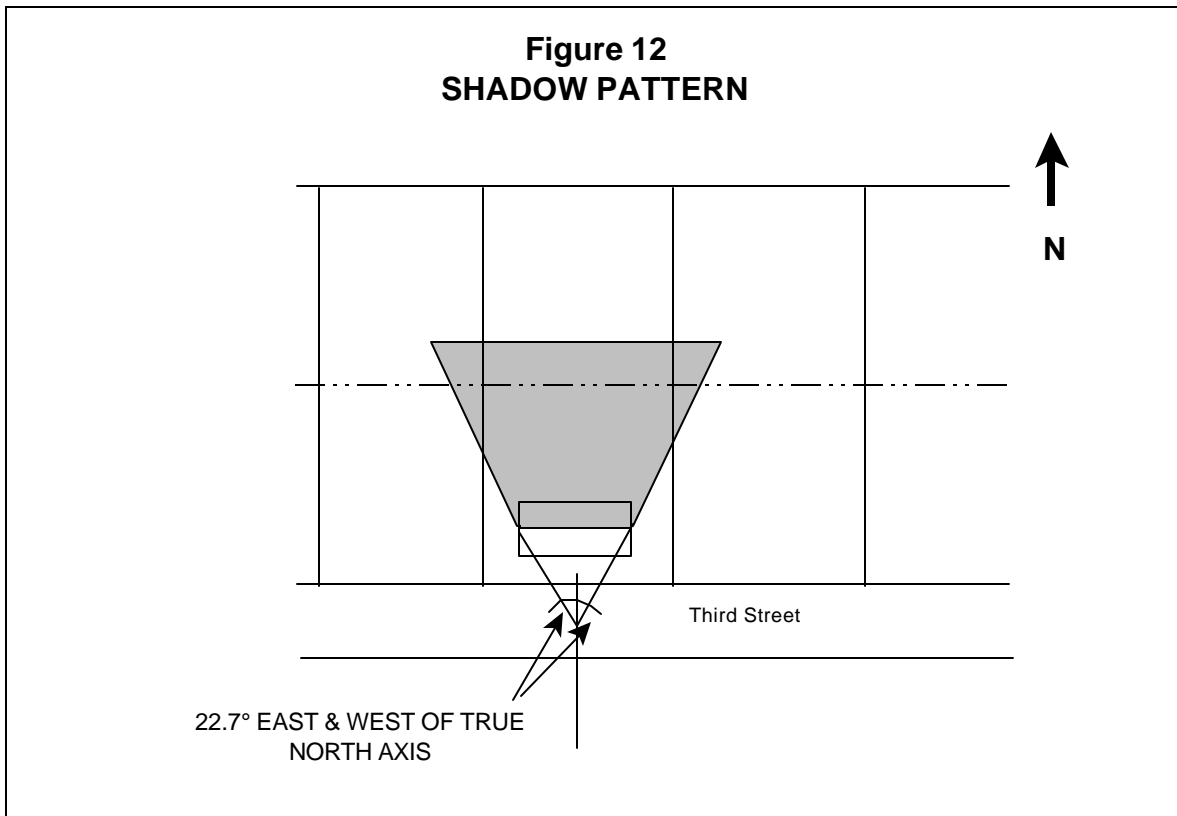


Figure 11
SOLAR ACCESS HEIGHT LIMIT





BUFFERS

Existing Abutting Use of Zoning District	PROPOSED USES										
	Attached Dwelling Units—1 story		Attached Dwelling Units—2 stories or more		Mobile Home Parks	Commercial Uses	Industrial Park Use	Light Industrial Use*	Heavy Industrial Use*	Any Parking Lot	
	R-5	AR	R-5	AR						4-50 Spaces	51 or more spaces
Detached Single Family R-10, R-7, R-5	10' S	10' S	10' S	10' S	10' S	20' S	20' S	30' S	40' S	10' S	20' S
Attached Dwelling Units 1 story	0'	10'	10' S	10' S	10' S	20' S	20' S	30' S	40' S	10' S	20' S
Attached Dwelling Units 2 or more stories	10' S	10' S	10' S	10' S	10' S	20' S	20' S	30' S	40' S	10' S	20' S
Mobile Home Parks	10' S	10' S	10' S	10' S	10' S	20' S	20' S	30' S	40' S	10' S	20' S
Any Arterial Street	10' S	10' S	10' S	10' S	10' S	0'	20' S	0'	20' S	0'	
Commercial Uses	10' S	10' S	10' S	10' S	10' S	0'	20'	0'	20' S	0'	
Industrial Park	20' S	20' S	20' S	20' S	20' S	10'	0'	0'	10' S	0'	
Light Industrial	25' S	25' S	25' S	25' S	25' S	10'	0'	0'	0'	0'	
Heavy Industrial	40' S	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'	
Any Parking Lot with 4 - 50 spaces	10' S	10' S	10' S	10' S	10' S	0'	0'	0'	0'	0'	
Any Parking Lot with 51 or more spaces	10' S	10' S	10' S	10' S	10' S	0'	0'	0'	0'	0'	

“s” Indicates screening required

*May require up to 150 ft. buffer if off-site impacts are significant