



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



June 8, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Imbler Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 20, 2006

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

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

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

Cc: Doug White, DLCD Community Services Specialist
Darren Nichols, DLCD Regional Representative
Ruth Zemke, City of Imbler

<paa> ya/

FORM 2

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

JUN 01 2006

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: CITY OF IMBLER Local File No.: _____

(If no number, use none)

Date of Adoption: May 22, 2006 Date Mailed: May 30, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 28, 2006

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: Zoning Ordinance Update
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡
Repeal City of Imbler Zoning Ordinance 2-77, Amending Ordinances 1980-3,
1-89, 1-93, 202005 and combine all documents into a single zoning
ordinance with Residential 1 lots 14,000 sq ft and Residential 2 lots
21,000 sq ft, Residential 2 lots being any properties brought into
the city Urban Growth Boundary.
 Describe how the adopted amendment differs from the proposed amendment. If it is the same, write
 same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Section 3.1-A changed to read "Residential Zones, with an
abbreviated designation of R-1 and R-2"
 AN/A

Plan Map Changed from : _____ to _____
 Zone Map Changed from: Residential 1 to Residential 1 & 2 sized lots
 Location: 1000 Crescent & 66724 Brooks Rd Acres Involved: 9.41
 Specify Density: Previous: 2 residences New: 7 residences
 Applicable Statewide Planning Goals: 2 and 14
 Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 001-06(15119)

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: City of Imbler, Union County and Imbler RFPD

Local Contact: Ruth Zemke Area Code + Phone Number: 541-534-6095

Address: P O Box 40 City: Imbler

Zip Code+4: 97841-0040 Email Address: imblerfd@uwtc.net

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

FINDINGS IMBLER CITY ZONING ORDINANCE

Statewide Planning Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use. Establishment and change of the boundaries shall be based upon considerations of the following factors:

- (1) Demonstrated need to accommodate long-range urban population growth requirement consistent with LCDC goals;
- (2) Need for housing, employment opportunities, and livability;
- (3) Orderly and economic provision for public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic and social consequences;
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- (7) Compatibility of the proposed urban use with nearby agricultural activities.

City of Imbler Plan Policy

Excerpt from Goal 2 (Planning Process)

2. The Plan will be coordinated with the Union County Land Use Plan and other State and Federal agencies, that may have an effect upon, or be affected by local decisions.
3. That as a condition of making plan changes, it will be determined that community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.
4. That in considering plan revisions, alternative sites for the proposed uses will be considered, and it will be determined that the area proposed to be changed compares favorably with other areas which might be available for the use proposed.
6. That compatibility of anticipated uses with surrounding area development will be evaluated in making planning related decisions.
7. The major plan changes having a significant impact beyond the application area will follow a process similar to that utilized in plan preparation, and that such changes will not be

made more frequently than two year intervals except that the public may petition for review and revision at more frequent intervals.

BASIC FINDINGS OF FACT

1. The applicants properties are described as Twp. 1 South, Range 39 EWM, Section 20, Tax Lot 1001 about 4.64 acres and Twp. 1 South, Range 39 EWM, Section 20, Tax Lot 1002, about 4.77 acres.
2. The applicants' properties are directly north of the north city limits of the Westenskow Addition which includes 42 lots generally 0.91 acres in size and inside the city limits.
3. An ordinance has been approved by the Imbler City Council to allow for a second residential zone with a greater minimum lot size thus creating an R-2 zone.
4. The original City of Imbler Zoning Ordinance 2-77 has been amended four times and for clarity it is necessary to create a single document with all amendments included.

ULTIMATE FINDINGS

The seven factors in Goal 14 will be satisfied by the creation of a new Zoning Ordinance which will incorporate the original zoning ordinance and all amendments thus making it easier to determine that all regulations are identified in one document.

The City of Imbler Plan Policy will be satisfied by providing for a clarified land use in one Zoning Ordinance document with two residential zones, one for the original plat of Imbler and a second residential zone for any properties brought into the City of Imbler by Urban Growth Boundary Changes and Annexation.

Residents of the City of Imbler are in agreement that two residential zones should be designated and that all zoning documents should be incorporated into one document.

CITY OF IMBLER
Zoning Ordinance

Number 2006-2

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF IMBLER, OREGON, ESTABLISHING ZONES FOR THAT PURPOSE AND REPEALING ORDINANCES 2-77, 1980-3, 1989-1, 1993-1 AND 2-2005 IN CONFLICT HEREWITH.

THE CITY OF IMBLER DOES ORDAIN as follows:

Section 1: TITLE: This ordinance shall be known as the Imbler Zoning Ordinance of 2006.

Section 2: DEFINITION: As used in this ordinance, the following words and phrases shall mean:

1. Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
3. Alley. A street which affords only a secondary means of access to the property.
4. Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
5. Comprehensive Plan. Maps and written goals and guidelines related to land use, public facilities and services, transportation, housing and/or urbanization, and adopted by the City as plan for future development, and to promote the public health, safety and general welfare.
6. Dwelling, Multi-family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.
7. Dwelling, Single-family. A detached building containing one dwelling unit and designed for occupancy by one family only.
8. Dwelling, Two-family. A detached building containing two dwelling units and designed for occupancy by two families.

9. Family. An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.
10. Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling as an accessory use within the same building, provided not more than one person not a resident of the dwelling is employed.
11. Lot. A parcel or tract of land.
12. Lot Area. The total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property.
13. Lot, Corner. A lot abutting on two or more streets other than an alley, at their intersection.
14. Lot Line. The property line bounding a lot.
15. Lot line, Front. The front street line, and in the case of a corner lot, the shortest front street line.
16. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In a case of an irregular, triangular, or other shape lot, a line ten feet in length within the line parallel to an at a maximum distance from the front lot line.
17. Lot Line, Side. Any lot line not a front or rear lot line.
18. Mobile Home. A vehicle or structure not less than 32 feet in length, exclusive of the hitch, nor less than 8 feet in width, constructed for movement on the public highways, having sleeping, cooking and plumbing facilities, and intended for human occupancy for residential purposes.
19. Non-conforming structure or use. A lawful existing structure or use which does not conform to the requirements of the zone in which it is located at the time this ordinance, or any amendment thereto, becomes effective.
20. Owner. An owner of property or the authorized agent of an owner.
21. Person. Every natural person, firm, partnership, association, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

22. Street. A right of way for vehicular and pedestrian traffic.
23. Structural Alteration. Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
24. Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.
25. Use. The purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.
26. Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
27. Yard, front. A yard extending between the side lot lines at the front of a lot, and being the minimum horizontal distance between the front property line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches, and terraces.
28. Yard, rear. A yard extending between the side lot lines at the rear of a lot, and being the minimum horizontal distance between the rear lot line and the main building or any portion thereof, other than steps, uncovered balconies, uncovered porches, and terraces.
29. Yard, side. A yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a building.

Section 3: CLASSIFICATION OF ZONES

1. For the purpose of this ordinance, the following zones are hereby established:
 - A. Residential Zones, with an abbreviated designation of "R-1 and R-2".
 - B. Commercial Zone, with an abbreviated designation of "C".
 - C. Industrial Zone, with an abbreviated designation of "I".
2. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the Imbler City Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by reference.
3. Zoning Map. A Zoning Map or Zoning Map Amendment adopted by this ordinance or by

amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

4. **Zone Boundaries.** Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot lines; center lines of streets or railroad rights of way; or such lines extended.

Section 4: R-1 RESIDENTIAL DISTRICT

1. Uses Permitted Outright. In an "R-1" district, the following uses and their accessory uses are permitted outright:
 - A. **Agricultural Uses.** Land in any zone may be used for agricultural purposes. No approval shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but such buildings shall otherwise conform to the regulations contained in this ordinance. For the purpose of this ordinance, "Agricultural" shall include agricultural, farming, dairying, pasturage and animal and poultry husbandry; but it specifically excluded the keeping or raising of hogs.
 - B. **Single Family and two family dwellings.**
 - C. **Parks and playgrounds.**
 - D. **Accessory buildings including private garages.** Detached accessory buildings shall be located not less than twenty (20) feet from the front lot line and not less than five (5) feet from any other street lines, and the entrance to any garage opening on a side street shall be not less than twenty (20) feet from such side street. Accessory buildings shall be located not less than five (5) feet from a rear or side lot line.
 - E. **Mobile homes.** The standards below shall be met for location of mobile homes on individual lots:
 - (1) The mobile home shall be placed on a concrete foundations and anchored thereto.
 - (2) Wheels, axles and hitch shall be removed.
 - (3) Skirting shall be placed around the bottom of the unit.
 - (4) Wood decks and other similar appurtenances shall be supported by concrete slabs or poured footings.

- F. Within the R-1 zoning district, a manufactured home placed outside of a manufactured home subdivision or a “mobile home park” shall:
- (1) be multi-sectional (“double wide” or wider) and enclosed a floor area of not less than 1,000 square feet.
 - (2) be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home.
 - (3) have a roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width.
 - (4) have a garage or carport with exterior materials matching the manufactured home.
 - (5) be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.
(Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior envelope certification requirement. Additional manufacturers certification shall not be required.)
 - (6) not have bare metal siding or roofing, and
 - (7) not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts.
- G. All single family dwellings located within the R-1 zoning district (except for manufactured homes located within a manufactured home subdivision or a “mobile home park”) shall utilize at least two of the following design features:
- | | |
|------------------------|-----------------------------|
| (1) dormers | (9) gables |
| (2) recessed entries | (10) covered porch entry |
| (3) cupolas | (11) pillars or posts |
| (4) bay or bow windows | (12) eaves (minimum 6 inch) |

- (5) attached garage
- (6) window shutters
- (7) a roof with a pitch greater than nominal 3/12
- (8) off-sets on building face or roof (minimum 12 inches)
- (13) tile or shake roof
- (14) horizontal lap siding

2. Conditional Uses Permitted In an "R-1" zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 10:

- A. Churches
- B. Government buildings
- C. Home Occupations
- D. Libraries or museums
- E. Utilities and public service uses or structures
- F. Rural community use determined by the Council to be desirable for the economic and/or social welfare of the residents of the City.
- G. Multi-Family Dwellings
- H. Rural community use determined by the Council to be desirable for the economic and/or social welfare of the residents of the City.

3. Area Regulations. Except as hereafter provided, in an "R-1" zone the following dimensional standards shall apply:

- A. Lot area.
 - 1. For a dwelling or mobile home, the minimum lot area shall be 14,000 square feet.
 - 2. Minimum average width and depth shall be 100 feet.
- B. Yard Requirements:
 - 1. The front yard shall be a minimum of twenty (20) feet.
 - 2. The side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard on the street side shall be a minimum of twenty (20) feet.

3. The rear yard shall be a minimum of twenty-five (25) feet.

Section 5: R-2 RESIDENTIAL DISTRICT.

1. Uses Permitted Outright. In an "R-2" district, the following uses and their accessory uses are permitted outright:

- A. **Agricultural Uses.** Land in any zone may be used for agricultural purposes. No approval shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but such buildings shall be otherwise conform to the regulations contained in this ordinance. For the purpose of this ordinance, "Agricultural" shall include agricultural, farming, dairying, pasturage, and animal and poultry husbandry; but it specifically excludes the keeping or raising of hogs.
- B. Single Family and two family dwellings.
- C. Parks and playgrounds.
- D. Accessory buildings including private garages. Detached accessory buildings shall be located not less than twenty (20) feet from the front line and not less than five (5) feet from any other street line, and the entrance to any garage opening on a side street shall be not less than twenty (20) feet from such side street. Accessory buildings shall be located not less than five (5) feet from a rear or side lot line.
- E. Within the R-2 zoning district, a manufactured home placed outside of a manufactured home subdivision or a "mobile home park" shall:
 - (1) be multi-sectional ("double wide" or wider) and enclose a floor area of not less than 1,000 square feet.
 - (2) be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home.
 - (3) have a roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width.
 - (4) have a garage or carport with exterior materials matching the manufactured home;

- (5) be certified by the manufacture to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.

(Evidence demonstrating that the manufactured home meets (Super Good Cents" energy efficiency standards is deemed to satisfy the exterior envelope certification requirement. Additional manufacturers certification shall not be required.)

- (6) not have bare metal siding or roofing; and
- (7) not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts.

F. All single family dwellings located within the R-2 zoning district (except for manufacturer homes located within a manufactured home subdivision or a "mobile home park") shall utilize at least two of the following design features:

- (1) dormers
- (2) recessed entries
- (3) cupolas
- (4) bay or bow windows
- (5) attached garage
- (6) window shutters
- (7) a roof with a pitch greater than nominal 3/12
- (8) off-sets on building face or roof (minimum 12 inches)
- (9) gables
- (10) covered porch entry
- (11) pillars or posts
- (12) eaves (minimum 6 inches)
- (13) tile or shake roof
- (14) horizontal lap siding

2. Conditional Uses Permitted. In an "R-2" zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 10:

- A. Churches
- B. Government buildings
- C. Home occupations

- D. Libraries or museums
- E. Utilities and public service uses or structures
- F. Rural community use determined by the Council to be desirable for the economic and/or social welfare of the residents of the City.
- G. Multi-Family dwellings
- H. Rural community use determined by the Council to be desirable for the economic and/or social welfare of the residents of the City.

3. Area Regulations. Except as hereafter provided, in an "R-2" zone the following dimensional standards shall apply:

- A. Lot area.
 - 1. For a dwelling, the minimum lot area shall be 21,000 square feet.
 - 2. Minimum average width and depth shall be 100 feet.
- B. Yard Requirements:
 - 1. The front yard shall be a minimum of twenty (20) feet.
 - 2. The side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard on the street side shall be a minimum of twenty (20) feet.
 - 3. The rear yard shall be a minimum of twenty-five (25) feet.

Section 6: COMMERCIAL ZONE.

- 1. Uses Permitted Outright. In a "C" zone, the following uses and their accessory uses are permitted outright:
 - A. Any use permitted outright in the "R" zones.
 - B. Retail trade establishments, except one listed as a conditional use in Subsection 2, immediately below.
 - C. Business, governmental or professional offices.
 - D. Financial institutions.
 - E. Personal and business establishments, except a use listed as a conditional use in Subsection 2, immediately below.

- F. Community service facilities such as fire station, library, community center, park or utility facility.
2. Conditional Uses Permitted. In a “C” zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 10:
- A. Automobile service station.
 - B. Motel.
 - C. Commercial amusement or recreational facilities.
 - D. Grocery Store
 - E. Church.
 - F. A use listed in Subsection 1 immediately above, but not meeting the limitations of Subsection 3, immediately below.
3. Limitation on Uses. Except when specifically authorized as a conditional use in accordance with the ordinance herein, all business, service, repair, processing, storage, or merchandising display in a “C” zone shall be conducted wholly within an enclosed building, except for drive-in windows as an accessory use to the main building.
4. Dimensional Standards. In a “C” zone, the following dimensional standards shall apply:
- A. Lot area.
 - (1) For residential uses, minimum lot requirements shall be the same as in the R-1 Residential Zone.
 - (2) For all uses other than a dwelling or mobile home, the minimum lot area shall be as required for satisfaction of applicable yard requirements.
 - B. Yard Requirements.
 - (1) Front yard. Where all of the frontage on one side of the street between two intersecting streets is located in the “C” zone, no front yard shall be required, except all front yards of lots used for residential purposes shall be the same as required in the “R” zones.
 - (2) Side yard. Where the side of a lot in the “C” zone abuts upon the side of a lot in and “R” zone, there shall be a side yard of not less than ten (10) feet

in width. In other cases, a side yard for commercial buildings shall not be required. The side yard regulations for dwellings and mobile homes shall be the same as required in the "R" zones

- C. Rear Yards. For a dwelling or mobile home, there shall be a rear yard having a depth of not less than twenty-five (25) feet. A rear yard for commercial buildings shall not be required.

Section 7: INDUSTRIAL ZONE.

- 1. Uses Permitted Outright. In an "I" zone, only the following uses and their accessory uses are permitted outright:

- A. Any use permitted in the "C" zone.
- B. Any other use, except a use declared a nuisance by statute, by action of the City, or by a court of competent jurisdiction and except the following specified uses shall not be permitted.

- (1) Acid manufacture.
- (2) Automobile wrecking yards.
- (3) Cement, lime, gypsum or plaster of paris manufacturers.
- (4) Dry cleaning plants using volatile materials.
- (5) Explosive manufacture or storage.
- (6) Garbage, offal or dead animal reduction, rendering or dumping.
- (7) Gas manufacture.
- (8) Kennel
- (9) Mining, quarrying or other extractive industry.
- (10) Petroleum or petroleum products refining or bulk storage.
- (11) Refuse dump, including a sanitary land fill.

- 2. Dimensional Standards. In an "I" zone, the following dimensional standards shall apply:

- A. Lot area.
 - (1) For dwellings and mobile homes, minimum lot area shall be 14,000 square feet.
 - (2) For all other uses, the minimum lot area shall be as required for satisfaction of applicable yard requirements.
- B. Yard requirements.
 - (1) Front Yard. None required, except residential yards shall be the same as in

- the Residential Zones.
- (2) Side Yard. Where the side yard of a lot in the "I" zone abuts upon the side of a lot in an "R" zone, there shall be a side yard of not less than fifty (50) feet in width. In other cases, the side yard for commercial or industrial buildings shall not be required.
 - (3) Rear Yard. Where the rear yard of a lot in the "I" zone abuts upon the rear of a lot in the "R" zone, there shall be a rear yard of not less than fifty (50) feet. In other cases, a rear yard for a commercial or industrial building shall not be required.
 - (4) Residential Use. Lots used for residential purposes shall have the same yard requirements as in the "R" zones.

Section 8: GENERAL PROVISIONS.

1. Access. Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet, except in the "R" zones a lot may abut upon a private easement for a width of at least twenty-five (25) feet, provided that the City Council grants approval upon making a finding that the private easement is of adequate width, alignment, grade and restricted length to afford the same degree of public safety as a public street and that unusual circumstances make extension of the public street system impractical.
2. Signs in Other than "R" Zones. In all other zones except the "R" zones, the following limitations on signs shall apply:
 - A. Moving, animated or intermittent flashing signs shall not be located closer than fifty (50) feet to a residential zone.
 - B. Illuminated signs shall not be located closer than twenty-five feet to a lot in a residential zone.
 - C. All signs shall be located in such a manner so as to not face directly, shine, or reflect glare onto a lot in a residential zone.
3. General Exceptions to Lot Size Requirements. If, at the time of passage of this ordinance, a lot or the aggregate of contiguous lots of land parcels held in single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone, subject to the other requirements of the zone and providing, if there is an area deficiency, residential uses shall be limited to a single-family structure.
4. Exceptions to Yard Requirements. The required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front yards of dwellings

within 200 feet on either side of the proposed dwelling.

5. Off-street Parking. The following off-street parking requirements shall be provided at the time a building or structure is constructed or substantially altered, or there is a change in use of an existing structure:
 - A. Residences or other dwelling units.
 - (1) Two spaces per single-family, duplex, or mobile home residence.
 - (2) One and one-half spaces each for three or more dwelling units.
 - (3) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.
 - B. Other uses.
 - (1) Assembly-type use - 1 space/100 square feet of assembly area.
 - (2) Motel or resort - 1 space/unit.
 - (3) Office or retail - 1 space/300 feet of area.
 - (4) Restaurant or tavern - 1 space/200 square feet of seating area.
 - (5) Warehouse - 1 space/2000 square feet of warehouse area.
 - (6) Other uses - as determined by the Council.
 - C. Off-street parking spaces shall not be located in the required yard areas of any building or structure.
6. Temporary Use. The City Council may, upon such petition, notice and hearing as it may deem proper, grant a temporary permit to use certain specified property for a purpose not authorized in the district or zone in which such property is located. Such temporary permit may be granted by motion or resolution, for a time specified in the grant thereof, and it may be granted subject to such other limitations and conditions as the Council shall impose.
7. Authorization of Similar Uses. The City Council may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type and character as the uses permitted there by this ordinance. However, this provision does not authorize the inclusion in a zone a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 9: NON-CONFORMING USES OR STRUCTURES.

1. Subject to the provisions of this section, a non-conforming use or structure may be continued but may not be altered or extended. The extension of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the

time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.

2. If a non-conforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
3. If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.
4. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 75% of its fair market value as indicated by the records of the County Assessor, and is not reconstructed within two (2) years, a future structure or use on the site shall conform to the requirements of this ordinance.
5. Nothing contained in this ordinance shall require any change in the plans, constructions, alteration, or designed use of a structure where construction of the structure commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and is in use within one year from the time this ordinance is adopted.

Section 10: CONDITIONAL USES.

1. Conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization of the City Council in accordance with the procedures and standards set forth in this section.
2. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interests of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:
 - A. Increasing the required lot size or yard dimension.
 - B. Controlling the location and number of vehicle access points.
 - C. Limiting the number, size, location and lighting of signs.
 - D. Increasing the street width.
 - E. Requiring diking, fencing, screening, landscaping or other facilities to protect

adjacent property or nearby property.

F. Designating sites for open space.

3. In addition to the above provisions, the following conditions are applicable to mobile home parks and home occupations:

A. Mobile Home Parks.

- (1) At least two acres shall be included in the park.
- (2) Setbacks shall be 20 feet front yard and 10 feet all other yards. No mobile home shall be closer than 15 feet from any structure within or outside of the park boundary.
- (3) Minimum area and dimensions for each space are 6000 square feet and 100 feet x 60 feet respectively.
- (4) Minimum street surface width shall be 24 feet. Streets shall be paved or surfaced with oil mat. Street design shall be approved by Council prior to initiating construction.
- (5) At least one surface, off-street parking space per unit shall be provided. Such space shall not be located within required setback areas.
- (6) Sight-obscuring fencing and/or landscaping may be required by Council on every side of the park.

B. Home Occupations.

- (1) The home occupation shall be secondary to the main use of the property as a residence.
- (2) The home occupation shall be limited to either an accessory structure or to not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.
- (3) Structural alterations shall be minimized and shall not detract from the outward appearance of the property as a residential use.
- (4) Not more than one person other than the immediate family residing in the dwelling is to be engaged in this home occupation.
- (5) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (6) No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed.
- (7) No materials or commodities shall be delivered to or from the residence

which are of such bulk or quantity as to create undesirable traffic or congestion.

4. The procedure for taking action on a conditional use application shall be as follows:
 - A. The property owner may initiate a request for a conditional use by filing an application with the City using forms prescribed by the City.
 - B. Before the City Council may act on a conditional use application, it shall hold a public hearing thereon, following procedures as established in this ordinance.
 - C. Within five (5) days after a decision has been rendered with reference to a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the Council.
5. Authorizations of a conditional use shall be void after one year, or such lesser time as the authorization may specify, unless substantial construction has taken place. However, the City Council may extend authorization for an additional period not to exceed one year, upon request.

Section 11: VARIANCES.

1. **Authorization to Grant or Deny Variances.** The City Council may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific parcel, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the City Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.
2. **Circumstances for Granting a Variance.** A variance may be granted only in the event that all of the following circumstances exist:
 - A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control.
 - B. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

- C. The variance requested is the minimum variance which would alleviate the hardship. Such hardship shall not have been self-imposed.
 - D. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
3. Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:
- A. A property owner may initiate a request for a variance by filing an application with the City using forms prescribed by the City.
 - B. Before the City Council may act on a variance application, it shall hold a public hearing thereon, following procedures established in this ordinance.
 - C. Within five (5) days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the City Council.
4. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the City Council may extend authorization for an additional period not to exceed one year, on request.

Section 12: AMENDMENT.

- 1. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing a application with the City using forms prescribed by the City.
- 2. Public Hearing on Amendment. The City Council shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within forty (40) days after the hearing, approve, disapprove, or give modified approval of the proposed amendment.
- 3. Findings. In considering an amendment to the zoning ordinance or map, the Council shall determine that:
 - A. The change is in accord with the Land Use Plan for the area.
 - B. There has either been a substantial change in the character of the area since zoning was adopted, and which warrants changing the zone, or

C. The zoning adopted for the area was in error.

4. Records of Amendment. The City Recorder shall maintain records of amendments to the text and zoning map of the ordinance.
5. Limitation on Reapplication. No application of a property owner for an amendment of the text of this ordinance or to the zoning map shall be considered by the City Council within the one-year period immediately following a previous denial of such request, except the City Council may permit a new application, if in the opinion of the City Council, new evidence or a change of circumstances warrants.
6. Proposal to amend the Land Use Plan. A proposal to amend the Land Use Plan or implementing ordinance shall be submitted to the Director of the Oregon DLCD at least forty-five (45) days before the final City Council hearing on adoption. The proposal submitted shall contain four (4) copies of the text and any supplemental information the City Council believes is necessary to inform the Director of DLCD as to the effect of the proposal and shall indicate the date of the final hearing on adoption by the City Council. The adopted final hearing on adoption by the City Council. The adopted proposal shall be mailed to the Director of DLCD within five (5) working days after the final decision by the City Council.

Section 13: ADMINISTRATIVE PROVISIONS.

1. Zoning Inspector. A City Zoning Inspector may be appointed by the Council, and for work required to administer this ordinance shall received as compensation all or a specified portion of the fees provided herein. He shall keep records of all applications for zoning consideration and the action taken thereon.
2. Other Provisions.
 - A. Before constructing, changing the use of, or altering the outside of any building, including accessory buildings, or changing the use of any premises, a building permit shall be obtained. The notification shall indicate the exact location of the proposed construction, alteration or change of use, and shall include a plot plan, showing the proposed location and dimensions and the proposed use.
 - B. Public Hearings.
 - (1) Notice of hearing authorized by this ordinance shall be posted in two (2) public places in the City at least ten (10) days prior to the date of the hearing.

- (2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to the zoning map shall be mailed to all owners of property within three hundred (300) feet of the property for which the variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing.
- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (4) The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- (5) In accordance with ORS 227.175, if an application would change the zone of property which includes all or part of a mobile home park as defined in ORS 446.003, written notice shall be mailed to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

C. Final Action

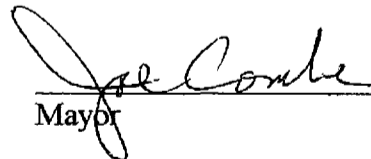
- (1) In accordance with ORS 227.178, except as provided in subsection (c) of this section, the City shall take final action upon an application for a permit or zone change, including all appeals to the council as provided by this ordinance, within 120 days after the application is deemed complete.
- (2) In accordance with ORS 227.178, if an application for a permit or a zone change is incomplete, the City Zoning Officer, or committee appointed by the Council, shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application and shall allow the applicant a reasonable opportunity to submit the missing information.
- (3) In accordance with ORS 227.178, the 120 day period specified in subsection in subsection (a) hereof may be extended for a reasonable period of time at the request of the applicant. Subsection (a) shall not apply to decisions not wholly within the authority and control of the council, or to an amendment to the comprehensive plan or a land use regulation which has been acknowledged or to the adoption of a new land use regulation that was forwarded to the Director of Department of Land Conservation and Development under ORS 197.610(1).

Section 14: GENERAL PROVISIONS.

1. Interpretation. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance, the provisions which are more restrictive shall govern.
2. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.
3. Abatement and Penalty.
 - A. A person violating a provision of this ordinance shall, upon conviction, be punished according to State Law. A violation of this ordinance shall be considered a separate offense for each day the violation continues.
 - B. The City may take other action it deems necessary to enforce the provisions of this ordinance, including the institution of injunction, mandamus, abatement or similar proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.
4. Repeal. All ordinances or parts of ordinances in conflict herewith shall be, and the same are, hereby repealed.
5. Savings Clause. The above repeal shall not affect or prevent application of remedies or punishment of any person for an act done or committed in violation of an ordinance hereby repealed prior to the taking effect of this ordinance.
6. Emergency Provision. It is hereby declared that this ordinance is necessary for the immediate clarification of existing ordinances and for preservation of the public peace, health, safety, and welfare, and an emergency is hereby declared to exist and that this ordinance shall take effect and be in full force and effect from and after its passage and approval.

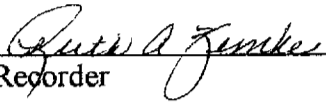
PASSED AND ADOPTED this 22nd day of May, 2006 by FOUR
(4) Council members voting therefore.

APPROVED this 22nd day of May, 2006.



Mayor

ATTEST:



City Recorder