



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/27/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sodaville Plan Amendment  
DLCD File Number 001-12

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 12, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Judy Smith, City of Sodaville  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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A  
T  
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S  
T  
A  
M  
P

DEPT OF

AUG 23 2012

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Sodaville**

Local file number: **12-02**

Date of Adoption: **8/16/2012**

Date Mailed: **8/22/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/26/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Combined existing Zoning Ordinance and Subdivision Ordinance into a single document titled City of Sodaville Zoning and Development Ordinance. MAterial reformatted with minor changes to content except to eliminate redundencies and update provisions on land divisions to eliminate "minor" and "major" distinctions.

Does the Adoption differ from proposal? Yes, Please explain below:

Added provision exempting amateur radio attenas from height limitations.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No



**DLCD file No.** \_\_\_\_\_

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

DLCD

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Local Contact: **Judy K. Smith**

Phone: (541) 258-8882 Extension:

Address: **30723 Sodaville Road**

Fax Number: **541-258-8882**

City: **Sodaville**

Zip: **97355-**

E-mail Address: **sodaville@centurytel.net**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

**per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**A BILL FOR AN ORDINANCE ADOPTING ) ORDINANCE NO. 12-02  
A NEW ZONING AND DEVELOPMENT ) for 2012  
ORDINANCE FOR THE CITY OF )  
SODAVILLE )**

**WHEREAS**, the City Council, pursuant to the provisions of the Sodaville Zoning Ordinance, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning adopting a new Zoning and Development Ordinance, City Planning File 12-01, such hearing being conducted on August 16, 2012; and

**WHEREAS**, the City Council has considered all relevant evidence and deliberated.

**NOW, THEREFORE**, the City of Sodaville ordains as follows:

**Section 1.** In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

**After Recording, Please Return To:**  
City of Sodaville  
Attn: City Clerk  
30723 Sodaville Rd  
Sodaville, OR 97355

AREA RESERVED  
FOR USE BY  
LINN COUNTY RECORDER

**Section 2.** Based upon the findings adopted herein, the City hereby adopts the new Sodaville Zoning and Development Ordinance as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Passed by the Sodaville City Council by a vote of 5 for and 0 against and approved by the Mayor this 16<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Mayor

Attested:

  
\_\_\_\_\_  
City Clerk / Recorder

**EXHIBIT "A"**  
**SODAVILLE ZONING AND DEVELOPMENT ORDINANCE**

CITY OF SODAVILLE  
ZONING AND  
DEVELOPMENT  
ORDINANCE #12-02

*Adopted August 16, 2012*

CITY OF SODAVILLE  
 ZONING AND DEVELOPMENT ORDINANCE  
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**1.101 TITLE**

This Ordinance shall be known and may be referred to as the City of Sodaville Zoning and Development Ordinance.

**1.102 PURPOSE AND SCOPE**

**1.102.01 Purpose**

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Sodaville Comprehensive Plan
- B. To preserve, maintain and enhance the character of the City;
- C. To prevent unsafe concentrations of dwellings;
- D. Insure the orderly and efficient development of lands and uses within the City; and,
- E. Promote the public health, safety, and general welfare of the community.



### **1.102.02 Conformance**

- A. **Conformance Required.** The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Sodaville shall conform to the requirements of this Ordinance.
- B. **Permits Required.** No building or structure subject to any of the provisions of this ordinance shall be erected, moved, reconstructed, extended, enlarged or altered unless all applicable structural, manufactured home, and similar permits have been issued by the Linn County Planning and Building Department, and unless all required sub-surface sewage disposal permits have been issued by the Linn County Environmental Health Program. Prior to submittal of the permits to Linn County, the Zoning Official shall certify on the face of the County permit that the permit complies with the provisions of this Ordinance and any other applicable City Ordinances.
- C. **Permit Submittals.** Applications for building permits shall be accompanied by a plot plan showing existing and proposed structures, wells and septic tank and drainfield locations.

### **1.102.03 Violations**

The Zoning Official shall have the power and duty to enforce the provisions of this ordinance. A violation of this ordinance shall be enforced pursuant to the City of Sodaville Enforcement Ordinance.

### **1.102.04 Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

### **1.102.05 Savings Clause**

Should any section, clause or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

### **1.102.06 Conflicting Ordinances**

City of Sodaville Ordinance 43, Ordinance 98 all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **1.103 ESTABLISHMENT OF ZONING DISTRICTS**

### **1.103.01 Zones**

For the purposes of this ordinance, the incorporated area of the City of Sodaville, Oregon, is hereby divided into the following zones:

<u>Zoning District Name</u>	<u>Section</u>
Residential (R)	2.101
Commercial (C)	2.102
Public (P)	2.103

### **1.103.02 Boundaries**

- A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Sodaville. This map is made a part of this Ordinance. Any future changes to the zoning of land within the City of Sodaville which are approved under the provisions of this Ordinance shall be appropriately depicted on the Sodaville Zoning Map.
  
- B. Interpretation. The City Council shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Sodaville Zoning Map, the City Council shall rely on the Sodaville Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; City boundaries; notations on the Sodaville Zoning Map; or other planning criteria determined appropriate by the City Council.

**1.200 DEFINITIONS AND TERMS**

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**1.200 DEFINITIONS**

**1.200.01 Grammatical Interpretation**

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings.

**1.200.02 Definitions**

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access: The way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

Accessory Building (Structure): A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land.

Accessory Use: A use incidental, appropriate and subordinate to the main use of the parcel, lot or building.

Adjoining: Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

Alteration, Structural: Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

**Appeal:** A request for a review of the decision authority's action on an application or interpretation.

**Applicant:** The owner of record or contract purchaser.

**Automobile, Recreational Vehicle or Trailer Sales Areas:** A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

**Basement:** That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

**Bed and Breakfast Establishment:** A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities.

**Block:** A parcel of land bounded by three (3) or more streets.

**Boarding, Lodging, or Rooming House:** A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

**Building:** A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**Building, Main:** A building in which is conducted a principal or main use of the building site on which it is situated.

**Building Official:** An individual empowered by the City Council to administer and enforce building regulations.

**Building Site:** A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this title relating to building sites.

**Carport:** A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.



Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

Church: A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence. This term shall be inclusive for all forms of religious worship.

City: The City of Sodaville, Oregon.

City Engineer. A person designated by the City Council to fulfill the responsibilities of a City Engineer as specified by this Ordinance.

City Recorder. A person designated by the City Council to fulfill the responsibilities of a City Recorder as specified by this ordinance.

Clinic: A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

Club: An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

Comprehensive Plan: The Comprehensive Plan of the City of Sodaville, Oregon.

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Sodaville, Oregon.

Day Care Facility. A facility that provides day care to children, including a day nursery, nursery school group or similar unit operating under any name, but not including: (a) a facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day; (b) a facility providing care that is primarily supervised training in a specified subject, including but not limited to dancing, drama, music or religion; (c) a facility providing care that is primarily an incident of group athletic or social activities sponsored by or under supervision of an organized club or hobby group; (d) a facility operated by a school district, political subdivision of Oregon or a governmental agency; or (e) a residential facility licensed under ORS 443.400 to 443.445.

Day Care - Family Provider: A day care provider who regularly provides day care in the family living quarters of the provider's home to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

Density: The number of dwellings, mobile homes, or mobile home spaces per gross acre.

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

Driveway: A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

Dwelling, Multi-Family: A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family-Detached: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family (Duplex): A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications and is constructed on a permanent foundation.

Easement: A grant of right to use an area of land for a specific purpose.

Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship and living together as one housekeeping unit, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit.

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

Frontage: All the property on one side of a street between two street intersections or crossings, measured along the line the street, or if the street is dead-end, then all of

the property abutting on one side between a street intersection and the dead-end of the street.

Garage, Private: A detached accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public: A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

Junk Yards: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel: Any lot or premises on which four (4) or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes.

**Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lot:** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yard and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:

- A. Single lot of record;
- B. Portion of a lot of record; or
- C. Combination of complete lots of record and portions of lots of record.
- D. A unit of land created by a Planned Unit Development.

**Lot Area:** The total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

**Lot Coverage:** The portion of a lot covered or occupied by buildings or other structures.

**Lot Depth:** The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Frontage:** The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

**Lot Line, Front:** The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

**Lot Line, Rear:** A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line.

**Lot Line, Side:** Any property line which is not a front or rear lot line.

**Lot of Record:** A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Linn County property records.



Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lot, Corner: A lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

Lot, Flag: A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two streets.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure.

Manufactured Home:

- A. A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- B. A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- C. A manufactured home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

Manufactured Home Park: Any place where four or more manufactured 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 or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no

more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Map. A final diagram, drawing, or other writing concerning a partition.

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance.

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Nursing Home: Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for 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 care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

Official Zoning Map: The map or maps upon which the zone locations in the City of Sodaville are indicated.

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

Parcel. A unit of land created by a partitioning.

Parking Area, Private: An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

Parking Area, Public: An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by persons patronizing a particular building or establishment.

Parking Space: An enclosed or open surfaced area, exclusive of maneuvering and access area permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5) (c): park and ride lots, handicapped parking, and parking for carpools and vanpools.

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

- A. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; or
- 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 any applicable zoning ordinance; or
- C. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Pedestrian Way. A right of way for pedestrian traffic.

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Place of Public Assembly: Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.



Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

Planned Unit Development (PUD): A development based incorporating all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. For the purpose of this Ordinance, the subdividing of land is accomplished as a PUD.

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a land division.

Professional Office: An office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

Property Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

Recreational Vehicle: A vehicle used for camping.

Recreational Vehicle Park: Any area operated and maintained for the purposes of picnicking or providing space for overnight use by recreational vehicles.

Residential 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 alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

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 five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the

number of facility residents, and need not be related to each other or to any resident of the residential facility.

Right-of-Way: The full length and width of a public street or way, planned or constructed.

Roadway. The portion of a street right of way developed for vehicular traffic.

School, Elementary, Junior High or High School: An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

Service Station: Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure.

Sign: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business, and which may be illuminated directly or indirectly.

Start of Construction: The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining or agricultural purposes.



- A. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.
- B. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.
- C. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.
- D. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around.
- E. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- F. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic.

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. Also see Planned Unit Development (PUD).

Substantial Improvement: The cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty percent (50%) of its market value before such alteration occurred.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Linn County.

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

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

Vision clearance area. A triangular area on a lot or at the intersection of two streets, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at the intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building.

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest point of the foundation of the main building.

Zoning Official. An individual or committee designated by the City Council with the duties and authority to enforce the provisions of this Ordinance.

CHAPTER 2  
ZONING AND DEVELOPMENT

**2.100 ZONES**

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**2.101 RESIDENTIAL ZONE (R)**

**2.101.01 Permitted Uses**

In the R zone the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling and accessory uses.
- B. Two family dwelling and accessory uses.
- C. Manufactured homes on individual lots, subject to the provisions of Section 2.302, and accessory uses.
- D. Home occupation.
- E. Family day care provider.
- F. Residential care home
- G. Partitioning, subject to the provisions in Section 3.105.
- H. Planned Unit Developments, subject to the provisions in Section 3.104.

**2.101.02 Conditional Uses**

In the R Zone the following uses and their accessory uses are permitted subject to approval of a Conditional Use:

- A. Residential facility, nursing home, convalescent home.
- B. Utility facility, station or substation.
- C. Multifamily dwelling.
- D. Church and similar religious institutions.
- E. Governmental structure or land use including but not limited to a park, playground or other recreational facility, governmental offices, fire station, library, or museum.
- F. Day care facility, nursery school, kindergarten, or similar facility.
- G. Public school or private school offering curricula similar to public school.
- H. Bed and breakfast establishment.

**2.101.03 Dimensional and Development Standards**

- A. Minimum Lot Area - The lot area shall have a minimum of 19,602 square feet for a single family dwelling and for a manufactured home; and 19,602 square feet per dwelling unit for two family dwellings and for multifamily dwellings.
- B. Lot Depth - The lot depth shall be a minimum of 198 feet. However, the lot depth may be reduced as long as the lot width and lot area requirements are met.
- C. Minimum Lot Width - The lot width shall be a minimum of 99 feet.
- D. Minimum Yard Setbacks

All structures shall maintain the following minimum yard setbacks:

- |                         |         |
|-------------------------|---------|
| 1. Front Yard           | 20 feet |
| 2. Rear Yard            | 20 feet |
| 3. Side Yard (interior) | 10 feet |

- |    |   |         |
|----|---|---------|
| 4. | Side Yard (adjacent to street)  | 20 feet |
| E. | <u>Maximum Structure Height</u>   | 35 feet |
| F. | <u>Special Setback Provisions</u> - In the North View P.U.D., West View Development, Hillside Estates, Vine Street Subdivision, and Knoll Subdivision, the following setback standards shall apply: |         |
| 1. | Front Yard  | 10 feet |
| 2. | Rear Yard   | 10 feet |
| 3. | Side Yard (interior)  | 5 feet  |
| 4. | These setback requirement may be further modified by C.C.&R.'s approved by the City as part of the subdivision approval.  |         |

## **2.102 COMMERCIAL ZONE (C)**

### **2.102.01 Permitted Uses**

In a C zone the following uses and their accessory uses are permitted outright:

- A. Single family dwelling and accessory uses.
- B. Home occupation.
- C. Professional office.

### **2.105.03 Conditional Uses**

In a C Zone the following uses and their accessory uses are permitted subject to approval of a Conditional Use:

- A. Antique shops or second hand stores.
- B. General dry goods stores.
- C. Grocery stores or meat markets.
- D. Restaurants or cafes.
- E. Service stations with facilities for minor repair.



- F. Craft shops including woodworking, ornamental iron, ceramics, leather working, and shops of similar scale and use.
- G. Hotels, motels and bed and breakfast establishments.
- H. Public parking.

#### **2.105.04 Dimensional and Development Standards**

The following minimum standards shall be required for all development in the C Zone:

- A. Signs – The City Council shall approve all signs in which the sign face exceeds 10 square feet in area.
- B. Lot Coverage - Buildings shall not occupy more than 50% of the lot area.

### **2.103 PUBLIC ZONE (P)**

#### **2.103.01 Permitted Uses**

In a P Zone the following uses and their accessory uses are permitted outright:

- A. Church and similar religious institutions.
- B. Community building such as library, fire station, school, city hall, etc.
- C. Park or recreation facility, exempt from lot area and dimensional standards.
- D. Medical and professional offices.
- E. Theater/Auditorium.
- F. Educational facility.
- G. Existing family dwelling.

#### **2.103.02 Conditional Uses**

In a P zone the following uses and their accessory uses are permitted subject to approval of a conditional use:

- A. New single family dwelling or manufactured home, subject to the lot area, lot width, lot depth, and dimensional standards of the R zone.

**2.103.03 Dimensional and Development Standards**

- A. Minimum Lot Area – None.
- B. Lot Depth – None.
- C. Minimum Lot Width – None.
- D. Minimum Yard Setbacks

All structures shall maintain the following minimum yard setbacks:

- |    |                                |         |
|----|--------------------------------|---------|
| 1. | Front Yard                     | 20 feet |
| 2. | Rear Yard                      | 20 feet |
| 3. | Side Yard (interior)           | 10 feet |
| 4. | Side Yard (adjacent to street) | 20 feet |
- E. Maximum Structure Height 35 feet
  - F. Lot Coverage - Buildings shall not occupy more than 50% of the lot area.

CHAPTER 2  
ZONING AND DEVELOPMENT

**2.200 GENERAL DEVELOPMENT STANDARDS**

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**2.201 GENERAL PROVISIONS**

- A. Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.
  
- B. Access. Every lot shall abut a public right of way for at least 25 feet.
  
- C. Accessory Uses. An accessory use shall comply with the standards for a principal use, except as this Ordinance specifically allows to the contrary.
  
- D. Signs. Signs shall not be moving or intermittent flashing, shall not shine or create glare in adjacent dwellings, shall not exceed an area of 15 square feet on each side, and shall provide a clear space not less than 8 feet from the grade to the bottom of the sign. Signs shall not exceed 8 feet in length or 12 feet if on a building. Home occupation signs shall not exceed 4 square feet.
  
- E. Ratio of Dwellings to Lots. Only one single family dwelling, manufactured home, or two family dwelling shall be placed on a lot.
  
- F. Occupancy of Recreation Vehicles. The use of a recreation vehicle as a temporary residence is permitted provided that the use as a residence does not exceed 30 days in a calendar year.

## **2.202 FENCES AND VISION CLEARANCE**

### **2.202.01 Fences**

A fence, hedge or other plantings with a front yard or side yard abutting a street shall comply with the vision clearance requirements in Section 2.202.02.

### **2.202.02 Vision Clearance Requirements**

A vision clearance area shall be provided for all zones within the city as follows:

- A. At intersections of streets, the minimum vision clearance area shall be 30 feet.
- B. In the vision clearance area, vegetation shall not exceed a height of 24 inches.
- C. All trees within a vision clearance area, whether in the street right-of-way or on private property, shall be trimmed so that there are no limbs lower than ten feet (10') above the shoulder of the street.
- D. No permanent or temporary obstruction to vision shall exceed 30 inches in height in a vision clearance area.
- E. Street name identification signs and traffic control and safety signs which are located in a vision clearance area by the City of Sodaville, Linn County, or the State of Oregon are exempt from these provisions.

## **2.203 PUBLIC FACILITIES**

- A. Sanitation Standards. Wells and septic tank locations shall meet Department of Environmental Quality (DEQ) regulations and shall, as much as practicable, be located so as not to preclude the development of adjacent lots.
- B. City Water. All structures utilizing water for domestic purposes constructed after the effective date of this ordinance shall be connected to the City water system.

## 2.204 PARKING

### 2.204.01 General Provisions

General provisions regarding off-street parking and loading areas. Off-street parking and loading areas, when provided, shall meet the following requirements.

- A. Surfacing. Areas used for standing and maneuvering of vehicles shall have durable, dustless, and semi-permeable surfaces maintained adequately for all weather use and so drained as to avoid flow of water across pedestrian paths and streets.
- B. Adjacent Impacts. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance to residents.
- C. Lighting. Any artificial lighting shall not shine or create glare in any residential zone or any adjacent dwelling.
- D. Access Aisles. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- E. Backing Movements. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering will be required within a street, and if located within a side or rear yard, a 3' ornamental fence or wall shall be placed along such property lines, unless an integral part of a parking area on the adjoining lot.
- F. Driveway Location. Driveways to off-street parking areas shall be designed, located and constructed to facilitate the flow of traffic, to provide maximum safety of traffic access and egress and to provide maximum safety of pedestrians and vehicular traffic on the site. The number of driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Driveways shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by driveways.
- G. Parking Spaces at Boundary. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over an adjacent property or street.
- H. Non-Residential Limitations. Parking areas for non-residential uses shall be used solely for temporary parking of vehicles and shall not be used for repair or servicing of vehicles or other motorized or recreational equipment.



## **2.204.02 Off-street Parking and Loading Provisions**

- A. Location. Off-street parking shall be provided on the development site for all residential zones. In all other zones the required parking not on the development site shall be provided within 400 feet through a parking district or suitable other means.
- B. Parking Improvements – When Required. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any as follows unless greater requirements are otherwise established.
- C. Measurement. Where square feet of the structure or use are specified as the basis for the requirement, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift of peak season.
- D. Fractional Spaces. Fractional space requirements shall be counted as a whole space.
- E. Non-residential Parking Bonus. For every 20 feet of property frontage on a street available to parallel parking, and every 12 feet of such frontage available to diagonal parking, shall count as one parking space and may be deducted from the applicable standard.
- F. Parking Standards. Use standards are established as follows:
  - 1. One and two family dwellings - two spaces per dwelling unit plus one space per rented room.
  - 2. Home occupations with an accessory building - one additional space.
  - 3. Residential use containing three or more dwelling units – 1.5 spaces per dwelling unit.
  - 4. Church and elementary school - one space per four seats, **or**, one space for each 35 square feet of floor area of main auditorium not containing fixed seats.
  - 5. College or commercial school - one space per classroom plus one space per administrative employee plus one space for each six students; **or**, one space per four seats of the main auditorium, whichever is greater.

6. Retail store - one space per 200 square feet of floor area designated for retail sales.
7. Service or repair shop - one space per 600 square feet of floor area.
8. Eating or drinking establishment - one space per 100 square feet of floor area.

### **2.204.03 Driveway Access and Permits**

- A. Driveway Permits. For purposes of this section, driveways are defined as that portion of the private road serving a lot or lots, which extends from the property line to the roadway of the abutting street. An exception to this definition pertains to common driveways intended to serve 2-4 residences, in which case the driveway standards shall apply to the entire length of the driveway.
- B. Permit Required. A driveway permit is required for the construction of a new driveway, for the relocation or realignment of an existing driveway, and for major improvements to existing driveways. Standards and procedures for driveway permits are in the following sub-sections of this section.
- C. Purpose of Driveway Permit. Driveway permits are required in order to assure that driveways are:
  1. Wide enough to handle the anticipated traffic and types of vehicle expected to use the driveway.
  2. Located far enough from street intersections to minimize potential traffic safety hazards.
  3. Located in order to assure that there is adequate sight distance along the adjacent street to minimize the creation of potential safety hazards.
  4. Designed and constructed with materials and methods to prevent the creation of traffic safety hazards and to assure that driveway conditions will not result in drainage or roadway maintenance problems.
- D. General Driveway Standards.
  1. The driveway should intersect with the street at as close to a right angle as possible.

2. The maximum grade of the driveway should be ten per cent (10%), except where the steepness of the slope requires a steeper grade. In all circumstances the grade of the driveway should be as flat as possible.
  3. Driveways should be located at least 75 feet from the nearest intersecting street. Driveways on the same side of the street should be at least 25 feet from each other.
  4. Each property in the city is entitled to a driveway. However, under some circumstances the joint or multiple use of a driveway shall be encouraged as long as there is a joint use and maintenance agreement between affected property owners. In the event the driveway is intended to serve two to four residences, the development of a common driveway to serve all residences shall be required.
  5. The City shall adopt driveway road access design, construction, and materials standards including standards related to drainage and drainage structures such as culverts, as the basis for review and action on driveway permit requests.
- E. Driveway Permit Process. Driveway permits shall be issued by the Zoning Official. After submittal, the Zoning Official shall transmit the permit to the City Engineer or another party with professional engineering credentials for review and action. Driveway road access permits shall meet the City's adopted standards and shall be approved and inspected by the City Engineer or other designated party with professional engineering credentials. Copies of the approved driveway permit shall be transmitted to the applicant and to the City Recorder. The City Recorder shall retain the approved permit on file.
- F. Standards for Common Driveways Intended to Serve 2-4 Residences.
1. The minimum pavement width shall be 20 feet.
  2. The driveway radius at the approach to the street shall be 25 feet.
  3. Common driveways shall serve no more than four (4) residences; if more than four (4) residences are to be served, the driveway shall be constructed to a public street standard.
  4. The driveway shall be paved for its entire length.

5. Prior to the installation of the driveway, provision shall be made for the handling of drainage in conjunction with driveways, and for the installation of water lines to serve the lots. The City shall approve plans for drainage and for installation of the water lines.
6. The end of the driveway shall be provided with an emergency turn-around that meets the standards of the Lebanon Rural Fire Protection District.
7. The owners of all properties to be served by the driveway shall sign a maintenance agreement indicating that it is the responsibility of each property owner to maintain the driveway in satisfactory condition. Before any building permits may be issued for construction of residences on the property, evidence shall be provided to the city that all affected property owners shall be made aware of the maintenance agreement and property owner responsibilities under the agreement.
8. The general standards of Section 2.204.03.D. and the permit standards that are a part of the Sodaville Driveway Permit apply to common use residential driveways serving 2-4 residences.

CHAPTER 2  
ZONING AND DEVELOPMENT

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**2.301 MEDICAL HARDSHIP DWELLING**

**2.301.01 Medical Hardship Dwelling - Accessory Use**

A Medical Hardship Dwelling may be permitted as an accessory use to the residential use of property when it is in compliance with the following procedures and standards.

**2.301.02 Application**

An application for a Medical Hardship Dwelling shall be submitted to the City Council in accordance with the provisions of Section 3.201.05. A filing fee in accordance with the provisions of Section 3.201.06 shall be submitted with the application.

**2.301.03 Review and Action on Application**

- A. Council Hearing. Before the City Council may act on an application for a Medical Hardship Dwelling, it shall consider the application at a public meeting. Notice of the public meeting shall be mailed at least 10 days prior to the meeting to all owners of property located within 100 feet of the exterior boundaries of the property where the Medical Hardship Dwelling is proposed to be located. Mailed notice shall be consistent with Section 3.202.01.



- B. Council Action. After all written and oral testimony has been taken, the City Council shall approve, deny, or approve with conditions or modifications, the application, based upon consideration of the general provisions in Section 2.301.04.

**2.301.04 General Requirements for Medical Hardship Dwellings**

- A. Accessory Use. The Medical Hardship Dwelling shall be the second dwelling on a lot with an existing single-family dwelling.
- B. Duration. The Medical Hardship Dwelling shall be temporary.
- C. Occupation. The Medical Hardship Dwelling shall be occupied by either (1) the person(s) who is dependent on the party living in the principal dwelling on the property, or (2) the person who is the caretaker for the person(s) with the medical hardship. In the event the principal dwelling is occupied by the person(s) with the medical hardship, the caretaker(s) shall occupy the temporary dwelling.
- D. Medical Hardship. The person with the medical hardship must be either partially or fully dependent on the caretaker. This dependency must be shown at the time of application and shall be continuing circumstance as long as the temporary dwelling remains on the property. No alternative method of relieving the hardship shall be readily available.
- E. Qualifications. The person or persons with the medical hardship must meet one of the two following circumstances: (1) A licensed Oregon physician has provided a written statement that a medical hardship exists and the afflicted person requires daily supervision or care; or (2) the person(s) to be cared for has provided documentation of being 65 years of age or older.
- F. Caretaker. If the caretaker is not a relative of the person(s) with the medical hardship, proof must be shown that the caretaker is authorized to provide daily supervision or care to the person(s) with the hardship.
- G. Type of Dwelling. The medical hardship dwelling may be a manufactured home, a mobile home, or a recreational vehicle, as long as there is at least 100 square feet of floor area per occupant in the dwelling. The hardship dwelling shall be both safe and habitable.
- H. Utility Connections. An additional plumbing hookup to the existing sewage disposal system on the property shall be required. The hookup shall comply with the Oregon State Plumbing Code.

- I. Removal. The Medical Hardship Dwelling shall be removed within 90 days from the date the hardship no longer exists. The person(s) providing care for the person(s) with the hardship shall agree in writing to remove the hardship dwelling from the property within 90 days from the date the hardship no longer exists.
- J. Location. The Medical Hardship Dwelling shall be placed on the property so that it shall comply with all applicable zoning ordinance provisions, or the appropriate variances shall have been obtained.
- K. Compatibility. The placement of the Medical Hardship Dwelling on the property shall be generally compatible with existing development on nearby properties.

### **2.301.05 Annual Review**

Each hardship dwelling shall be reviewed once a year by the City Council. A filing fee in accordance with the provisions of Section 3.201.06 shall be submitted to the city part of the annual review. At the time of review, each permit holder shall verify, in writing, that the hardship situation has not changed substantially. If the permit is not in compliance it may be revoked by the City Council, after consideration of the circumstances involved at a public meeting.

### **2.302 MANUFACTURED HOME PLACEMENT REQUIREMENTS**

The following standards shall apply to the location of manufactured homes in the City:

- A. The manufactured home shall be a minimum of 12 feet wide and shall have a minimum floor area of 800 square feet.
- B. The manufactured home shall be equipped with continuous skirting within 8 weeks unless placed on a standard continuous concrete foundation.
- C. The manufactured home shall be equipped with a front porch which is at least four feet by six feet (4' X 6') in area and which is composed of wood or concrete.
- D. The manufactured home must comply with all state laws pertaining to the construction, operation and placement of manufactured homes.
- E. The manufactured home shall be equipped with an accessory storage shed which is at least 48 square feet in area and six feet (6') in height.
- F. The manufactured home shall have a pitched roof with a minimum pitch of two and one-half feet (2 1/2') in height for every twelve feet (12') in width

(2 1/2:12).

- G. The manufactured home shall be connected to the city's water system. The connection shall be approved prior to occupancy of the manufactured home.

### **2.303 NONCONFORMING USES**

- A. A nonconforming use or structure may be continued but may not be altered, extended or enlarged.
- B. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- C. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- D. A nonconforming structure which conforms with respect to use may be altered, extended or enlarged if such construction does not cause the structure to further deviate from the standards of this ordinance.
- E. If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its valuation as indicated by the records of the County Assessor, a future structure on the site or use of the site shall conform to this ordinance.

### **2.304 EXCEPTIONS**

#### **2.304.01 General Exceptions to Lot Size Requirements**

If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area or dimension which does not meet the minimum lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone.

#### **2.304.02 General Exceptions to Yard Requirements**

The following exceptions to yard requirements are authorized for a lot in any zone:

- A. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the developed lots have front yards of less than the required depth for the zone, the depth of the front yard of the intervening lot need not exceed the average depth of the front yard of the abutting lots.

- B. If there is a building on one abutting lot which is within 100 feet of the lot, and the developed lot has a front yard of less than the required depth for the zone, the front yard of the lot need not exceed a depth halfway between the depth of the front yard of the abutting developed land and the required front yard depth.

**2.304.03 General Exceptions to Building Height Limitations**

Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

No provision of this Ordinance shall be deemed to apply to antenna support structures and/or amateur antennas used in amateur radio service as defined in 47.CFR 97.

**2.304.04 Projections from Buildings**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, balconies and upper stories and chimneys shall not project more than 24 inches into a required side yard or 48 inches into a required front or rear yard.

CHAPTER 3  
ADMINISTRATIVE PROCEDURES

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**3.101 VARIANCES**

**3.101.01 Application Procedure**

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 in accordance with Section 3.201.05 and a filing fee in accordance with Section 3.201.06 with the City Recorder.
- B. Before the Council may act on a variance application, it shall hold a public hearing thereon, following the procedures in Section 3.202.

**3.101.02 Authorization to Grant or Deny Variances**

The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, 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 Council may impose conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

**3.101.03 Decision Criteria**

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances (e.g. fire) apply to the property which do not generally apply to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property have had no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.

- C. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Sodaville Comprehensive Plan.
- D. The variance requested is the minimum variance which would alleviate the hardship.

**3.101.04 Time Limit on a Building Permit for a Variance**

A variance shall be declared void after one year after the date of approval by the Council unless substantial construction on the structure for which the permit was authorized has taken place. The Council may, at its discretion, extend the time period, not to exceed an additional year.

**3.102 CONDITIONAL USES**

**3.102.01 Application Procedure**

The procedure for taking action on a Conditional Use application shall conform to the procedure for taking action on a Variance application as contained in Section 3.101.01.

**3.102.02 Authorization to Grant or Deny a Conditional Use**

A conditional use listed in this ordinance shall be permitted, enlarged or altered upon authorization by the Council in accordance with the procedures of this article or any others referenced in this article. A conditional use may be use entirely appropriate within a particular zone, but due to the nature of the use -- creation of traffic hazards, objectionable storage of large unsightly items, or similar adverse impacts -- it is necessary to impose conditions to protect the public health, safety or welfare. In permitting a conditional use, the council may impose the following types of conditions which the Council considers necessary to protect the best interest of the surrounding property or the City as a whole:

- A. Increasing the required lot size in accordance with septic tank requirements.
- B. Limiting the height, size or location of structures.
- C. Controlling the location and number of vehicle access points and parking spaces.
- D. Increasing the street width.

- E. Limiting the number, size and location of signs.
- F. Limiting the hours of operation of a use causing loud, irritating and sustained noise.
- G. Requiring screening or landscaping to protect adjacent properties.
- H. Any other conditions necessary to accomplish the intent and purpose of the Comprehensive Plan and Development Ordinance.

### **3.102.03 Alteration of a Conditional Use**

In the case of a use existing prior to the effective date of this Ordinance and classified as a conditional use in this ordinance, any change in the use or in the lot area or any alteration of the structure shall conform with the requirements for conditional use. In no instance shall the Conditional Use Permit process be used to discourage any uses permitted under the provisions of this ordinance.

### **3.102.04 Decision Criteria**

The decision by the City Council to approve or deny a conditional use application shall be based on findings related to the following criteria:

- A. Development of the property as proposed in the application is generally compatible with existing development on abutting properties and in the surrounding neighborhood. It is also generally compatible with possible future development of property in the surrounding neighborhood as indicated by the Comprehensive Plan.
- B. The proposed development site has the physical characteristics needed to support the use taking into consideration factors such as steepness and stability of the slope, drainage characteristics, and septic suitability.
- C. The proposed development will not unduly affect the capacity of current public facilities including water supply and streets.
- D. The proposed development is consistent with the goals and policies in the Comprehensive Plan.

### **3.102.05 Time Limit on a Building Permit for a Conditional Use**

A conditional use permit shall be declared void after one year after the date of approval by the Council unless substantial construction on the structure for which

the permit was authorized has taken place. The Council may, at its discretion, extend the time period, not to exceed an additional year.

### **3.103 LAND DIVISIONS - GENERAL**

#### **3.103.01 Purpose**

The purposes of these regulations are to encourage or require the appropriate development of tracts of land sufficiently large enough to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the zoning ordinance thereby promoting a harmonious variety of uses, the economy of shared facilities and service, compatibility of surrounding areas, and the creation of an attractive, healthful, efficient and stable environment for living, and working.

#### **3.103.02 Scope of Regulations**

These regulations are applicable to the subdivision or partition of land as defined in this ordinance, and, the adjustment of boundaries separating property.

#### **3.103.03 Administrative and Public Hearing Procedures**

The administrative and public hearing requirements contained in the City of Sodaville Zoning and Development Ordinance shall be applicable to all land divisions.

### **3.104 PLANNED UNIT DEVELOPMENTS (PUD)**

#### **3.104.01 Plat Approval Procedure**

- A. Submission of Tentative Plan for Proposed Subdivision. The developer shall prepare a tentative plan of the P.U.D. and other supplementary information as required by this ordinance. The developer shall submit at least 20 copies of the tentative plan to the City Recorder at least 35 days prior to the Council meeting at which the request will be heard. The tentative plan shall be submitted together with an application and a filing fee in an amount set by ordinance of the City Council.
  
- B. Preliminary Review of Proposal. Within five (5) days of receipt of the tentative plan, the City Recorder will furnish a copy to affected agencies. Agencies will be given at least 15 days to review the tentative plan, suggest revisions and return the recommendations to the City. An extension of time shall be granted for review when requested by an agency. All other affected state, federal, and local agencies shall be given an opportunity review and



comment on the plan. Failure to respond shall be considered to be no objection by the agency to the tentative plan.

C. Approval of the Tentative Plan for the Proposed PUD.

1. Hearing. Before the Council may take action on a tentative plan, it shall hold a public hearing. Notification of the hearing shall be by posting notices of the hearing on the property to be developed, the Sodaville Park Community Board and Sodaville City Hall; notifying by mail the applicant and all owners of parcels or lots within 300 feet of the exterior boundaries of the proposed PUD, and publication of notice in the Lebanon Express. All notices shall be posted, published, and mailed at least 20 days prior to the scheduled public hearing.
2. Within 65 days following the initial public hearing, the Council shall take action on the tentative plan, taking into consideration the reports of appropriate officials and agencies.
3. The Council may approve the tentative plan as submitted, approve it with conditions, or deny it. The decision of the Council shall be based on findings related to the following criteria:
  - a. The impact of projected traffic resulting from the proposed development and the adequacy of the transportation system within the proposed project to handle anticipated traffic volumes.
  - b. The resulting development will not be inconsistent with the objectives of the Comprehensive Plan with respect to housing, public facilities, recreation or urbanization.
  - c. The proposed sanitary, water supply, drainage, and other utility facilities are adequate for the population to be accommodated in the proposed development and will not create service delivery problems in other parts of the City.
  - d. The area around the development can be planned to be in substantial harmony with the proposed project.
4. The action of the Council shall be noted on two copies of the tentative plan, including any modifications or conditions attached to the action. One copy shall remain with the City and the other returned to the developer.

D. Submission of Final Plat.

1. Within one year after approval of the tentative plan, the developer



shall prepare a final plat in conformance with the tentative plan and the provisions of this ordinance for submission to the City Engineer.

2. If the developer wishes to proceed with the proposal after the one year period following approval of the tentative plan by the Council, he must resubmit the tentative plan to the Council along with any revisions necessary to meet changed conditions.

E. Review and Approval of Final Plat.

1. Upon receipt of the final plat and accompanying data, it shall be reviewed by the City Engineer and the County Surveyor. The City Engineer shall review the plat and documents to determine that it conforms with the approved tentative plan, with the City's engineering standards, and the provisions of this ordinance. The County Surveyor shall examine the plat for conformance with the provisions of ORS Chapter 92 and ORS 209.250 and shall collect such fees for this purpose as are provided for by state law. The City Engineer and other City representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.
2. If it is determined that there has not been full conformity, the City Engineer shall advise the developer of the changes or additions that must be made. If it is determined that there is full conformity, the City Engineer shall so certify.
3. Upon certification of full conformity, the Final Plat shall be submitted to the Council for final review. Approval of the final plat shall be by a majority of those present. The plat shall then be signed by the Mayor and City Engineer.
4. Approval of a final plat shall not constitute or affect an acceptance by the City of the dedication of any street, recreation area, open space, drainage way, or other dedication shown on the plat.
5. Prior to recording of the final plat, the subdivision shall be approved by the appropriate City officials and by County officials as specified by ORS 92, as amended. Signatures on the final plat by a majority of the Board of County Commissioners shall constitute approval of the plat by them. The plat shall then be recorded in the Office of the County Clerk.

6. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the Mayor. However, the developer may request a time extension from the Council.
7. An exact copy of the final plat as approved and recorded shall be filed with the City. The exact copy shall be of the same quality as the plat submitted to the County for recording.

### **3.104.02 Information on Tentative Plan**

- A. Scale. The tentative plan of the proposed PUD shall be drawn at a scale of 1" = 100'. The scale may be increased or decreased as necessary but shall in all cases be a multiple of 10.
- B. General Information. The following general information shall be shown on the tentative plan:
  1. Proposed name of the PUD - the name shall not duplicate nor resemble any other subdivision in the County and shall be approved by the Council and by the County Surveyor.
  2. Date, north arrow, and scale.
  3. Appropriate identification clearly stating the proposal as a tentative plan.
  4. Vicinity map showing the relationship of the proposed PUD to surrounding properties including all streets within 500' of the proposal.
  5. Names and addresses of owner, developer, and surveyor.
  6. The following existing conditions:
    - a. Locations, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, corners, City boundary lines and monuments.
    - b. Contour lines related to some established benchmark or other datum, as follows: slopes less than 5% - 2 foot intervals; 5% to 15% - 5 foot intervals; 15% to 20% - 10 foot intervals; and greater than 20% - 20 foot intervals.
    - c. Location and direction of drainage channels and areas subject to flooding.

- d. Natural features such as rock outcroppings, marshes, and wooded areas.
- e. Existing uses of the property including the location of existing structures.

C. Proposed Plan of Development. The following information shall be included on the tentative plan of the development:

- 1. The location, width, names, approximate grades and radii of curves of proposed streets as well as the relationship of streets to any projected streets as shown on the Comprehensive Plan.
- 2. The location, width, and purpose of easements.
- 3. The location, approximate dimensions and square footage of lots, a calculation of the land area devoted to various uses, and a calculation of the net residential density, not to exceed that specified by this ordinance.
- 4. Sites, if any, allocated for purposes other than single family dwellings.
- 5. Land to be deeded to a public body for schools, parks or other public uses.
- 6. Location of pedestrian paths.
- 7. Location, extent and arrangement of off-street parking as per the requirements of Section 2.204.

D. Supplemental Information. The following plans or information shall supplement the tentative plan of the proposed PUD:

- 1. Proposed deed restrictions, if any, in outline form.
- 2. Location within the PUD and adjacent streets and properties of existing water mains, culverts, drainpipes, gas lines and electric lines.
- 3. General utility plans for domestic water supply, sewage disposal, storm drainage, gas, electric, telephone, and street lighting, indicating how these services will be provided.
- 4. Any proposals to phase development of the PUD.

### **3.104.03 Information on Final Plat**

- A. Form and Scale of Final Plat. The final subdivision plat shall be submitted in the form as required by ORS 92.080. The scale of the final plat shall be 1" = 100', except that the scale may be increased or decreased in multiples of 10 to fit the legal size of 18 by 24 inches. In no case shall the scale be decreased to less than one (1) inch equals 200 feet.
- B. General Information on Final Plat. In addition to the information contained on the proposed plan of development as specified in Section 3.030, the following information shall be contained on the final plat:
1. Legal description of the PUD boundaries.
  2. The location of the following:
    - a. Monuments or other evidence found on the ground and used to determine the boundaries of the PUD.
    - b. Adjoining corners of other properties or existing surveys.
    - c. City boundary lines when crossing or adjacent to the PUD.
    - d. All permanent monuments within the PUD.
  3. Lot numbers and boundaries and street rights of way with dimensions.
  4. The area of each lot shall be shown.
  5. The width and location of the portion of streets being dedicated to traveled roadway and pedestrian ways.
  6. Locations and width of drainage channels and reserve strips at the end of stub streets. One (1) foot reserve strips shall be dedicated by separate document.
  7. Easements clearly identified, and if being dedicated by the plat, properly referenced in the owners certificates of dedication.
  8. The date, scale, north arrow, legend, and existing features such as roads and streams.
- C. Certificates on Final Plat. The following certificates shall appear on the final plat and may be combined where appropriate:
1. A certificate signed by all parties having any recorded title or interest in the land to be developed, consenting to the preparation and recording of the plat.

2. A certificate, signed as above, dedicating all parcels of land, streets, pedestrian ways, drainage channels, other dedications, easements and other rights of way intended for public use.
  3. A certificate of the registered engineer or licensed surveyor who prepared the final plat.
  4. Written proof that all taxes and assessments on the tract are paid which have become liens on the tract.
- D. Supplementary Information with Final Plat. The following data shall accompany the final plat:
1. Addresses of owner(s), developer, and surveyor.
  2. A copy of any deed restrictions applicable to the development.
  3. Certifications or statements pertaining to the availability of domestic water supply and sewage disposal systems to serve each dwelling unit.

### **3.104.04 Improvement Guarantees**

- A. Agreement for Improvements. Before council approval of a PUD plat the land developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City which shall not exceed 10% of the cost of the improvements to be installed.
- B. Bond
- 1) The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
    - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
    - b. A personal bond co-signed by at least one additional person



together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

- c. Cash.
2. Such assurance of full and faithful performance shall be for a sum approved by the City Council based on a recommendation of the City Engineer, as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
  3. If the land developer fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land developer shall be liable to the City for the difference.
  4. The performance guarantee shall remain in effect for one (1) year after improvements are installed in order to correct any defects which may have taken place. A performance review shall be conducted by the City Engineer within 12 months of the time the improvements are installed. A written report of defects or a certificate of approval shall be issued by the City Engineer as the basis of determination of the performance guarantee. The report shall be reviewed and approved by the City Council before going into effect.

### **3.104.05 Design Standards**

- A. Principles of Acceptability. A land division shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.
- B. Streets
  1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades,

tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

- a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - b) Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
2. **Minimum right of way and roadway width.** Unless otherwise indicated on the development plan, the street right of way and roadway widths shall conform to standards in the Sodaville Comprehensive Plan. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right of way may be accepted, ordinarily not less than 50 feet. In necessary, slope easements may be required.
  3. **Reserve strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they be required. The reserve strips shall normally one (1) foot in width and under the ownership of the City. The one (1) foot reserve strip shall be dedicated by separate document.
  4. **Alignment.** As far as is practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets, have approximately the same direction and, in no case, shall be less than 100 feet.
  5. **Future extensions of streets.** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the PUD and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
  6. **Existing streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land development.

7. Half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the council finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
8. Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.
9. Grades and curves. Grades shall not exceed six per cent on major collectors, ten per cent on minor collectors, or 15 percent on other streets. Center line radii of curves shall not be less than 300 feet on major collectors, 200 feet on minor collectors or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the council may accept steeper grades and sharper curves.

C. Building Sites.

1. Size and shape. The size, width, shape and orientation of building sites shall be appropriate for location of the land division and for the type of development and use contemplated.
2. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

D. Grading of Building Sites. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
2. Fill slopes shall not exceed two feet horizontally to one foot vertically.
3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

- E. Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be re-divided, the Council may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**3.104.06 Planned Unit Development Standards and Requirements**

- A. Uses Permitted Outright. All uses permitted outright in the R zone are permitted within a P.U.D.
- B. Conditional Uses Permitted. All conditional uses of the R zone are permitted conditionally in a PUD.
- C. Water and Drainage. Waterlines, drainage facilities, and fire hydrants shall be constructed at the cost of the developer.
- D. Utilities. All utilities servicing a P.U.D. shall be improved at the cost of the developer and constructed underground unless waived by the Council.
- E. Streets. Streets including pedestrian paths and street name-signs shall be constructed at the cost of the developer and shall conform to the standards for "local" lanes as contained in the Comprehensive Plan.
- F. Access. Each lot created for residential purposes shall abut a public right of way for a minimum of 25 feet.
- G. Lighting. Street lighting shall be constructed at the cost of the developer and shall be placed at intervals determined by the Council.
- H. Height Guidelines. The height limitations of the R zone shall apply in a PUD.
- I. Dedication and Maintenance of Facilities. The Council may, as a condition of approval, require the following improvements or considerations:
  - 1. Common Open Space. If a common open space is provided, the Council shall require that an association of owners or tenants be created into a non profit organization for the purpose of performing grounds maintenance of the common open space.
  - 2. Easements. Easements necessary for the orderly extension of public utilities may be required as a condition of approval.



### **3.105 PARTITIONING**

#### **3.105.01 Purpose of Partitioning Review**

Section 3.105 prescribes the procedures and standards governing the partitioning of land. Partitioning requirements are established to insure that adequate public access and utilities are provided to parcels created by the partition and that the opportunity for full and orderly development of the surrounding area will be maintained.

#### **3.105.02 General Requirements for Partitions**

- A. Filing Fees. At the time of application for partition, the City Recorder shall collect such filing fees as the City Council shall by Ordinance designate.
- B. Standards. The design standards for a PUD Section 3.104 of this Ordinance shall apply to partitions. Requests for variances shall comply with Section 3.101 of this Ordinance.
- C. Improvements. When a partition request for a parcel which is less than 2.6 acres is being reviewed, the City Council shall determine whether or not any or all of the improvements as specified in Section 3.104.06 are needed to serve the property in the partition. If the City Council finds that any or all of the improvements are needed, the City Council shall require improvements be accomplished according to the standards and procedures of regarding bonding and guarantees.
- D. Unapproved Partitions as Determined by Assessor Notification. The County Assessor is required by statute to provide notice to the City of all recorded documents which result in land partitions. A landowner whose partition has not been previously submitted, reviewed and approved pursuant to this Ordinance will be notified of this Ordinance requirement and will be subject to enforcement action by the City if the partition remains unapproved.

#### **3.105.02 Partition Procedure**

- A. Application for Partition. A partition proposal shall be submitted to the City Council for review and approval. An application and a filing fee, together with twelve (12) copies of the tentative plat, shall be submitted to the City Recorder for review. The application shall include the following:
  - 1. A map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and



sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.

2. Name and address of the owner or owners of record, and of the person who prepared the partition.
  3. The parcel layout, showing dimensions and size of each parcel.
  4. Location and proposed use of existing buildings to remain in place, drainage ways and their proposed use, and other features of land which are important to its development.
  5. Identification of the street area and its relation to existing streets serving the property. Identification shall include the location, widths, and names of streets.
  6. Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of water lines and drainage ways; street lighting; and location of power, gas and telephone lines.
  7. Vicinity map showing the street and lot pattern in the general vicinity.
- B. Agency Review of Tentative Plat. Within five (5) days of acceptance of the tentative partition plat, all affected city, county, state, and federal agencies and special districts shall be notified of the application and shall be requested to review the partition proposal and submit their recommendations to the City Council. Notification shall be provided to the following agencies: Linn County Environmental Health Program, Linn County Planning and Building Department, Linn County Road Department, Linn County Surveyor, Consumer's Power, Inc., Northwest Natural, and Centurylink (telephone). These agencies shall be given at least 15 days to review the tentative major partition plat, suggest revisions, and return recommendations to the City.
- C. Public Hearing and Notice for Partition. Before the City Council may act on an application for a partition, it shall hold a public hearing thereon in accordance with the provisions of Section 3.202 of this Ordinance. The public hearing shall be held within 35 days of the acceptance of the application by the City Recorder. Hearing notice shall be mailed to the applicant and to all owners of property within 100 feet of the exterior boundaries of the property to be partitioned at least 20 days prior to the date of the hearing. Hearing notice shall also be published in a newspaper of general circulation within the City at least 20 days prior to the date of the hearing.

- D. Action on Tentative Plat. Within 35 days following the public hearing, the City Council shall take action on the tentative plat. The City Council shall approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:
1. The major partition is consistent with the provisions of this ordinance and the zoning ordinance.
  2. Vehicular access to the property is adequate.
  3. All necessary public utilities can be provided to the proposed parcels.
  4. Full and orderly development of the surrounding area can be assured.

**3.105.02 Approval and Recording of the Final Partition Plat**

- A. Record of Approved Tentative Plat. Upon approval of a tentative partition plat, three (3) copies of the approved tentative plat shall be signed, dated and conditions of approval noted. One copy shall be returned to the applicant, one retained by the City Recorder, and for the City planning file.
- B. Final Partition Plat. The final partition plat shall be the survey map which has been recorded with the County Surveyor in accordance with County and State requirements and that has been recorded in the office of the County Clerk. Prior to recording of the final partition plat, it shall be submitted to the City for approval. The final partition plat shall be prepared to meet the requirements of ORS 92.070, 92.080, and 209.250. An exact copy of the final approved and recorded plat shall be submitted to the City. The final plat shall be of the same quality as the plat submitted to the County for recording. The final plat shall include the following:
1. The survey map of the parcels being offered for sale prepared by a registered land surveyor. The survey map shall indicate the location of all interior and exterior monuments.
  2. A legal description of the parcels being created.
  3. A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcels.

4. A notarized signature of the owner or owners declaring the ownership and consenting to recording of the partition plat.
  5. A designated space for approval signatures of the Mayor, the City Engineer and the County Surveyor. There shall also be a space for approval signatures of the Board of County Commissioners if the right of way is to be dedicated for any roads under County jurisdiction.
  6. The recording numbers of all deeds, dedications, easements, and agreements approved as part of the partitioning review.
  7. An affidavit of the licensed surveyor having surveyed the land incorporated in the partition plat, showing that the surveyor correctly surveyed the property in accordance with ORS 92.060 and 92.070.
- C. Procedure for Approving Final Partition Plat. The final partition plat shall be filed with the City Recorder who shall coordinate the process of final plat review and approval. This shall be accomplished within six (6) months of approval of the tentative partition plat.
1. All final partition plats shall include the information and signatures required in this ordinance.
  2. Prints of the final partition plat for review and approval shall be forwarded to the City Engineer and the County Surveyor. The City Engineer shall review the plat for agreement with the approved tentative partition plan and other City requirements or conditions of approval. The County Surveyor shall review the partition plat for conformance with County and State survey requirements. City review shall occur within 35 days from the time the final plat has been filed with the City.
  3. If it is determined that there has not been full conformity with the approved tentative partition plat, the City Recorder shall advise the applicant of the changes that must be made and afford the applicant an opportunity to make such changes. If it is determined that full conformity has been made, the City Engineer shall so certify.
  4. If it is determined that the final plat conforms fully with the approved tentative partition plat and all applicable regulations and standards, the City Recorder shall advise the Mayor. The City Engineer and the Mayor may then sign the plat.

5. Approval of a final partition plat shall not constitute or effect an acceptance by the City of the dedication of any street, recreation area, drainage way, area reserved for water line, or other dedication shown on the plat, unless, on the face of the plat, there is a dedication of land for public purposes or any other public or private easements created. Such declarations shall be consistent with the provisions of ORS 92.075.
6. The signed final partition plat and the signed copy shall be forwarded to the County Surveyor for approval and signature.
7. Within 45 days of the final approval by the City, the developer shall submit the approved final partition plat to the County Surveyor, who shall record the plat with the County Clerk.

### **3.106 PROPERTY LINE ADJUSTMENT**

#### **3.106.01 Statement of Purpose**

The purpose of this article shall be to provide the City with the authority to review all property line adjustments within the City of Sodaville in order to assure compliance with the Comprehensive Plan and all applicable City Ordinances.

#### **3.106.02 Application Procedure**

- A. For all property line adjustments a complete application shall be filed with the City Recorder. The application shall be accompanied by a filing fee in an amount set by resolution adopted by the City Council. A site plan is required which shows all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.
- B. The applicant shall provide a preliminary plan of the proposed property line adjustment showing how the property lines will be modified.

#### **3.106.03 Property Line Adjustment Review Procedure**

- A. Within 21 days of the receipt of a completed property line adjustment application, the City Recorder shall determine whether or not the application is in conformance with all of the standards specified in Section 3.106.04.
- B. A property line adjustment is considered to be a ministerial act and does not require that notice be provided to any party except the owners of both lots or



parcels directly affected by the property line adjustment. A property line adjustment will be approved when the standards in Section 3.106.04 are met. If the application complies with these standards, the City Recorder shall grant tentative approval.

### **3.106.04 Standards for Evaluating Property Line Adjustments**

In reviewing requests for property line adjustments, the following standards shall be met prior to the City Recorder approving the property line adjustment.

- A. The lots being modified in size through the property line adjustment shall meet the minimum dimensional and lot area standards of the zone in which they are located.
- B. The amended lot lines do not encroach upon the location of water supply lines or easements or upon the location of sub surface sewage disposal systems and drain fields. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements.
- C. The property line adjustment does not create any additional lots.
- D. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.
- E. The property line adjustment does not eliminate vehicular access for any of the parcels.
- F. Verification of ownership for each of the affected properties must be presented to the City Recorder.
- G. The property owner of each lot affected by the property line adjustment must sign a statement of agreement with the proposed change.

### **3.106.05 Final Approval Process**

- A. A metes and bounds description shall be prepared for City staff review which describes the area to be added to or reduced from each parcel. If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for final City Recorder review.



- B. Compliance with any conditions of approval must be demonstrated before final approval by the City.
- C. The City Recorder shall render a decision within 30 days of receiving the final property line adjustment plan. This decision is subject to City Council review in accordance with Section 3.106.06.

### **3.106.06 City Council Review**

The City Recorder's decision on the property line adjustment is subject to City Council review before it is final. Within 35 days of the City Recorder's decision, the City Council shall review that decision and determine the need for further review. If it is determined that further review is necessary, the City Council shall consider the property line adjustment request at a public meeting. The City Council may affirm, deny, or modify the City Recorder's decision but must use the standards in Section 3.106.04 in arriving at the decision.

### **3.106.07 Verification of Final Decision**

- A. Within 180 days of approval of the property line adjustment by the City Council, the applicant shall provide evidence to the City Recorder that the boundaries of the parcels have been modified in accordance with City approval.
- B. Evidence of approval shall be verification from the County Recorder and the County Assessor that the property has been transferred from party to the other and that the land to be added to a parcel has been consolidated with the parcel. Evidence of approval shall also be a copy of the survey as filed with the County Surveyor.
- C. As required by ORS 92.060(7), an adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey filed with the County Surveyor.

## **3.107 AMENDMENTS**

### **3.107.01 Authorization to Initiate Amendments**

An amendment to this ordinance, in the text or map, may be initiated by the City Council or by application of a property owner or authorized agent.

### **3.107.02 Application for a Amendment**

An application for an amendment by a property owner or his authorized agent shall be filed with the City Recorder. The appropriate filing fee shall accompany the application.

### **3.107.03 Public Hearing**

A public hearing shall be held by the City Council on any amendments to the zoning ordinance.

- A. Notice of Hearing. Notice of time and place of the public hearing before the City Council shall be as specified in Sections 8.045 and 8.046.
- B. Recess of Hearing. The Council may recess a hearing in order to obtain additional information or to serve further notice upon other persons it decides are affected by the application. The Council shall announce the time and date the hearing is to be resumed.
- C. The Council shall approve the application as submitted, approve it with conditions, or reject the application. In the case of a zoning amendment, an approved amendment shall be adopted by ordinance.

**EXHIBIT B**  
**SODAVILLE CITY COUNCIL FINDINGS**  
**Planning File No. 12-01**

**I. NATURE OF THE APPLICATION**

This matter comes before the Sodaville City Council on the application of the City of Sodaville to adopt a new Zoning and Development Ordinance.

**II. BACKGROUND INFORMATION**

The City wishes to adopt a new Zoning and Development Ordinance, effectively combining the current Zoning Ordinance and Subdivision Ordinance. Specific language is contained in the attached Ordinance Exhibit "A."

**III. PUBLIC HEARING**

City Council Action

A public hearing was held on this application before the Sodaville City Council on August 16, 2012. At that hearing, City Planning File 12-01 was made a part of the record. Notice was provided consistent with the requirements in the Sodaville Zoning Ordinance. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed new Zoning and Development Ordinance. The Council found the proposed changes consistent with the applicable decision criteria.

**IV. FINDINGS OF FACT-GENERAL**

The Sodaville City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the City of Sodaville.
- B. The City wishes to adopt a new Zoning and Development Ordinance, effectively combining the current Zoning Ordinance and Subdivision Ordinance. Specific language is contained in the attached Ordinance Exhibit "A."
- C. The decision to approve or deny shall be based on the criteria contained in the Sodaville Zoning Ordinance, Article VII.

**V. APPLICATION SUMMARY**

- A. The City received a \$1,000 planning maintenance grant from the Department of Land Conservation and Development (DLCDC). After some discussion with the City Recorder, it was felt the best use of the funds would be to combine the current zoning and land division ordinance to create a single, unified document. A new document was created with three basic goals in mind:
  - Increase readability and ease of use, laying out the planning regulations in a logical manner.
  - Allow for modifications and changes without printing an entire new document.
  - Make only minor changes where necessary to comply with State law or update material; otherwise, leave the material intact.

B. With these goals in mind a general outline of the document follows:

1. The new Zoning and Development Code is divided into three basic chapters. Chapter 1 covers *Introduction* such as legal establishment of the document and definitions; Chapter 2 addresses specific *Zoning and Development Requirements* for developing property in the City and, Chapter 3 includes all *Administrative Procedures*.
2. The current language was left intact to the greatest extent possible.
3. The only significant change was in partitions. Current language regulates "minor" (no street created) and "major" (street creation) partitions. State law (ORS Chapter 92) no longer makes a distinction between these two.

The following Table goes through each Chapter (and Section), identifying its purpose, the corresponding provisions in the current planning documents and highlights any revisions.

Chapter	Purpose	Corresponding Provisions*	Revisions
Chapter 1.1 <i>Introductory Provisions</i>	Introduces document, establishing purpose and legal provisions.	ZO: Section 1.010 – 1.020; Article II, Section 8.020, 8.030 and 8.040 SO: Article 10	Essentially combined identified provisions and included requirements for conformance.
Chapter 1.2 <i>Definitions</i>	Includes all definitions and terms used in the new Ordinance.	ZO: Section 1.030 SO: Section 1.040	Combined terms from both zoning and land division documents, where appropriate updated terms and clarified language (e.g., eliminating standards within a definition).
Chapter 2.1 <i>Zones</i>	Establishes the three zones in the City.	ZO: Article III	No new zones or uses; however, specifically referenced land division provisions and specific development Sections (e.g., medical hardship). Same outline format for each zone.
Chapter 2.2 <i>General Development Standards</i>	Includes development standards that apply to uses regardless of zoning.	ZO: Sections 4.040, 4.045, 4.070, 4.100 and 4.110.	Sections were basically left intact with minor "wordsmithing" and formatting changes.
Chapter 2.3 <i>Special Development Provisions and Exceptions</i>	Includes development standards for specific activities (e.g., medical hardship dwelling) as well as exceptions.	ZO: Section 4.035 and 4.050; Article V.	Sections were basically left intact with minor "wordsmithing" and formatting changes.
Chapter 3.1 <i>Application Requirements and Review Criteria</i>	Establishes application requirements and review criteria for all land use applications.	ZO: Sections 5.500, 5.510, 5.520, Article VI, Article VII and Section 8.060 SO: Articles 2 to 9, and Section 10.010	No changes to application requirements and decision criteria. Single "partition" process (no minor or major).

Chapter 3.2 Ordinance Administration	Establishes the administrative procedures includes. public hearing requirements	<b>ZO:</b> Sections 8.041 to 8.046 <b>SO:</b> Section 10.005	Sections were basically left intact with some "wordsmithing" and formatting changes.
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- \* **ZO:** Sodaville Zoning Ordinance  
**SO:** Sodaville Subdivision Ordinance

- C. Subsequent to a City Council Work Session, a request was made to modify Section 2.304.03 was amended to specifically exempt amateur radio antennas from the height restrictions. Specific language is as follows:

*No provision of this Ordinance shall be deemed to apply to antenna support structures and/or amateur antennas used in amateur radio service as defined in 47.CFR 97.*

## VI. CRITERIA AND FINDINGS

- A. While this action creates a new Zoning and Development, it effectively amends or modifies the existing Zoning document. Therefore, the amending action must conform to provisions in Article VII of the existing Zoning Ordinance. These are reviewed in the following Sections.
- B. Section 7.010 states an amendment to this ordinance, in the text or map, may be initiated by the City Council or by application of a property owner or his authorized agent.

FINDINGS: This action conforms to this Section as it was initiated by the City.

- C. Section 7.020 states that an application for an amendment by a property owner or his authorized agent shall be filed with the City Recorder, and the appropriate fee paid.

FINDINGS: This Section does not apply as the application does not involve a zone change or other amendment by a property owner.

- D. Section 7.030 states a public hearing shall be held by the City Council on any amendments to the zoning ordinance with the following stipulations:

1. Notice of Hearing. Notice of time and place of the public hearing before the City Council shall be as specified in Sections 8.045 and 8.046.
2. Recess of Hearing. The Council may recess a hearing in order to obtain additional information or to serve further notice upon other persons it decides are affected by the application. The Council shall announce the time and date the hearing is to be resumed.
3. The Council shall approve the application as submitted, approve it with conditions, or reject the application. In the case of a zoning amendment, an approved amendment shall be adopted by ordinance.

FINDINGS: The notice and processing of this hearing conform to the requirements of this Section. The Council has the option of continuing this hearing if they choose.

- D. Article VII does not contain specific criteria to determine whether the changes are appropriate. The Council notes, however, the DLCDD previously found the existing Zoning Ordinance and Subdivision Ordinance to implement the City's Comprehensive Plan. While the new Zoning and Development Ordinance combines these two documents, the language generally remains intact, with only minor changes. Therefore, the Council concludes the new document conforms to the policies and goals of the City's Comprehensive Plan.

- F. In addition, all code amendments must conform to the Statewide Planning Goals. Compliance with the Statewide Goals is noted as follows:



Goal 1, Citizen Involvement: The City Council will conduct a public hearing on the request, consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed new Code does not alter existing regulations that affect identified historic, cultural, or natural resources within Sodaville.

Goal 6, Air, Water and Land Resource Quality: The proposed new Code does not alter existing regulations that affect resource quality within the community.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas.

Goal 8, Recreational Needs: The proposed new code does not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The new code does not alter existing economic opportunities in the City.

Goal 10, Housing: The new code does not affect housing supply or location, or, the City's ability to meet housing needs.

Goal 11, Public Facilities and Services: The new code does not affect the City's ability to provide public services.

Goal 12, Transportation: The new code does not create new uses or activities that significantly affect the City's transportation facilities.

Goal 13, Energy Conservation: The new code is neutral with regard to energy conservation. For the record, all new construction must conform to applicable energy efficiency requirements.

Goal 14, Urbanization: The new code continually addresses urban uses within an urban environment, including provisions for related procedural and development requirements.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The new code does not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the Goals do not directly apply to the proposed amendments.

## VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.

City of Sodaville  
30723 Sodaville Road  
Lebanon, OR 97355



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LAND CONSERVATION  
AND DEVELOPMENT

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540