



# Oregon

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 04, 2016

Jurisdiction: City of Oakridge

Local file no.: 2015-03

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/30/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 61 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>
<b>File No.:</b> 003-15 {24037}
<b>Received:</b> 12/30/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Oakridge, Oregon

Local file no.: **2015-03**

Date of adoption: Dec. 17 2015

Date sent: Dec 30 2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Sep 18 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Rick Zylstra Assistant to the City Administrator

Phone: 541-782-2258

E-mail: rickzylstra@ci.oakridge.or.us

Street address: 48318 E. 1<sup>st</sup> st PO Box 1410

City: Oakridge

Zip: 97463

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |                        |    |        |  |
|------------------------|----|--------|--|
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from            | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Amended Ord 874 Article 15 Sec15.01 (3) to 15.01 (16) and Section 33 Definitions for Flood Plain Sub-District and adopted Ord 915.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: DLCD, FEMA and Lane County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

By the adoption of Ord 915, the City of Oakridge now meets the NFIP requirements for Flood Plain Management.

## ORDINANCE NO. 915

### AN ORDINANCE AMENDING ORDINANCE 874, ARTICLE 15, FLOOD PLAIN SUB DISTRICT, SECTIONS 15.01 (3) TO 15.01 (16) AND ARTICLE 33 DEFINITIONS OF THE ZONING ORDINANCE OF THE CITY OF OAKRIDGE ESTABLISHING LAND USE REGULATIONS FOR FLOOD PLAIN MANAGEMENT WITHIN THE CITY OF OAKRIDGE

**WHEREAS**, pursuant to Article IX, Section 2 of the Oregon Constitution and the Oakridge Charter, the City of Oakridge is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

**WHEREAS**, in the interest of the health, safety, and well-being of the citizens of Oakridge, the City Council has determined that it is in the best interest of the community to have an effective Flood Plain Management Plan to manage the safe construction and placement of structures in the Flood Plan Sub district; and

**WHEREAS**, on September 18, 2015, Oakridge notified the Department of Land Conservation and Development of the proposed amendments to the Zoning Ordinance of the City of Oakridge (ZOCO); and

**WHEREAS**, on October 27, 2015, notice of a public hearing before the Planning Commission was mailed to all affected property owners in compliance with ORS 227.186; and

**WHEREAS**, Notice of a public hearing before the Planning Commission was posted on October 27, 2015, at regular posting locations and on October 27, 2015 the City Website. The notice was published/posted in the Dead Mountain Echo on November 5, 2015 in order to reach persons believed to have particular interest and to provide the public with a reasonable opportunity to be aware of the hearings on the proposal pursuant to ZOCO Section 32.02; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments to the Zoning Ordinance of the City of Oakridge on November 17, 2015, adopted recommended findings of fact, and recommended to the City Council that Zoning Ordinance of the City of Oakridge 874 be amended as presented in this ordinance; and

**WHEREAS**, notice of a public hearing before the City Council was posted on December 7, 2015 at regular posting locations and December 10, 2015 in the local publication. The notice was published/posted in order to reach persons believed to have particular interest and to provide the public with a reasonable

opportunity to be aware of the hearings on the proposal pursuant to ZOCO 874 Section 32.02; and

**WHEREAS**, the Oakridge City Council held a public hearing on the proposed amendments to the Zoning Ordinance of the City of Oakridge on December 17, 2015; and

**WHEREAS**, the Council has considered materials relevant to the proposed amendments, including staff reports, the findings made by the Planning Commission, testimony and comments submitted at both public hearings, both orally and in writing;

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

**Section I.** The City Council hereby adopts the Findings of Fact attached to this Ordinance as Exhibit A.

**Section II.** Section 15.01 (3) to 15.01 (16) of the Zoning Ordinance of the City of Oakridge is amended to read as follows:

**ARTICLE 15: SUBDISTRICTS**

**SECTION 15.01: FLOOD PLAIN SUBDISTRICT (/FP)**

- ( 1 ) **PURPOSE.** The Flood Plain Subdistrict designation shall be applied in any district where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be shown on the Oakridge Flood Insurance Rate Map, which designates regulated floodways and areas subject to a one percent loss or 100-year flood. Its purpose is to minimize property loss, danger of injury and health hazards. To accomplish such purposes, floor elevations will be established by the City prior to issuing any building permits.

The Flood-Plain Subdistrict establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water in order to safeguard the life and health of people in the area and of the general public.

- ( 2 ) **ESTABLISHMENT OF A FLOOD PLAIN (/FP) SUBDISTRICT IN COMBINATION WITH A BASIC DISTRICT.** The Flood Plain Subdistrict (/FP) shall be established in combination with any basic district in which there is a special concern due to inundation by flooding or surface

water. (For example, R-1/FP would mean the low density residential district with combining flood plain subdistrict regulation.)

- ( 3 ) COMPLIANCE. In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this overlay subdistrict. In the event of any conflict between any provisions of this overlay subdistrict and the primary zone district, the provisions of this Section shall apply. **No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Lane County ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 10 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Oakridge from taking such other lawful action as is necessary to prevent or remedy any violation.** All construction within the overlay shall also comply with all relevant provisions of the State Building Code (OSSSC) Appendix 23, Division IV.
- ( 4 ) DESIGNATION OF SPECIAL FLOOD HAZARD AREAS.
- (a) The area of Oakridge's jurisdiction that is within the flood hazard and floodway areas are identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County and incorporated Areas dated June 2, 1999, with accompanying Flood Insurance Rate Maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Oakridge City Hall, **48318 E. 1<sup>st</sup> St., Oakridge, OR 97463.**
- (b) In areas where base flood elevations have not been provided in accordance with subsection (a) of this section, the City Administrator or his designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources, in order to administer this Section. When only approximate flood information is available, the property owner shall be cautioned that the property is within the identified flood hazard area.
- ( 5 ) DESIGNATION OF THE ADMINISTRATOR. The City Administrator or his designee is hereby appointed to administer and implement this Section of this ordinance. In areas of special flood hazard, the City Administrator or his designee shall review all development proposals to determine that the requirements of this ordinance have been satisfied and that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required. **The City Administrator shall also review all development permits to determine if the proposed development is in the floodway and if so assure that the encroachment provisions are met.**

( 6 ) FLOOD HAZARD DEVELOPMENT PERMITS

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 15.01(4)(a). All structures, including manufactured homes, being erected, repaired, or relocated in these areas must first obtain a flood hazard development permit. The permit must also be obtained before undertaking all other activities, including grading, excavation and filling, **or long-term storage of equipment and materials. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.** The degree of flood hazard will dictate precautions that must be taken to protect the structure and contents from base flood levels, unless exempted by the current State Building Code or amendments.

- (a) A site investigation report shall be required that provides information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall be prepared by a person or a team of persons qualified by experience and training to assemble and analyze physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to qualifications by the Planning Commission.

**The site investigation report shall provide:**

- i. **topographic information of the area in sufficient detail to accurately assess potential flooding elevations based on the recognized definition of area flood potential and shall**
  - ii. **identify existing natural drainage ways and potential drainage ways and other characteristics of the area and their significance, as related to the proposed development flooding potential.**
  - iii. **the base flood elevations or flood depths from the Flood Insurance Study or Flood Insurance Rate Maps**
  - iv. **the boundaries of the flood hazard area and floodway as depicted on the Flood Insurance Rate Map**
  - v. **The report also may serve to refine boundaries showing the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Subdistrict, however if the refined boundaries differ from the Flood Insurance Rate Map the applicant is responsible for obtaining a Letter of Map Change from the Federal Emergency Management Agency prior to start of construction, or else use the boundaries as depicted on the Flood Insurance Rate Map.**
- (b) Application for a development permit shall be made on forms furnished by the City of Oakridge and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- vi. **Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;**
  - vii. **Elevation in relation to mean sea level of flood proofing in any structure;**

- viii. **Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria for flood hazard reduction;**
  - ix. **Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.**
- (c) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for flood hazard development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes the use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(7) (d) **CONDITIONAL USES AND BUILDINGS PERMITTED.** Conditional use permits, Approved by the Planning Commission, under the process established by Article 24 Conditional Use Permits of this ordinance, shall be required for development permitted outright in the underlying zoning district, subject to the provisions of this Section.

**(7) Conditional use permits may be issued by the Planning Commission when, and**

**Only when, the Planning commission has determined the following;**

CRITERIA.

- (a) The proposed development site will not, during potential future flooding, be so inundated by floodwater as to result in injury to property or to the health, safety, and welfare of residents or potential residents of the immediate area.
- (b) All new construction, relocation, or substantial improvements of structures within /FP areas shall have the lowest floor (including basement and mechanical systems) elevated to one foot above the 100-year flood level. Nonresidential structures may be constructed to be flood **proofed** in lieu of the elevation of the lowest floor according to standards set forth in Subsection 15.01 (12)(g).
- (c) **Recreational vehicles placed on sites are required to:**
  - i. **Be on the site for fewer than 180 consecutive days, and**
  - ii. **Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions or meet the requirements of elevation and anchoring of manufactured homes.**
- (d) No improvements are proposed that will have a serious tendency to change the flow of surface water during potential future flooding so as to endanger the

health, safety and welfare of residents or potential residents or other property in the area.

- (e) Emergency vehicles, such as ambulances, police and fire, will have access to the site during occurrence of any such flooding for the purpose of evacuating residents or inhabitants of any residential structures or living quarters within the /FP area.

(8) STANDARDS. Conditional use permits will only be approved that meet the following standards. The City Engineer and City Administrator or his designee will determine whether the standards have been met.

- (a) The lowest flood elevation (including basement and mechanical systems), foundation elevation, ground elevation, or top of flood resistant elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a Land Surveyor, architect or engineer registered by the State of Oregon and the certification filed with the City Administrator or his designee. The certifications must be filed within 30 days of completion of that part of the structure to be certified. An unsatisfactory certification will not be accepted. Failure to comply will be a violation of this ordinance.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the new systems.
- (d) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (e) All subdivision proposals and other proposed new developments shall minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.
- (f) All public utilities and facilities appurtenant to the application of the requirements of City ordinances and standards, such as sewer, gas, electric and water systems, shall be located and constructed to minimize flood damage and to improve drainage.
- (g) Replacement in kind shall comply with standards for new construction.

(9) GENERAL REQUIREMENTS - NO BASE FLOOD ELEVATIONS ESTABLISHED.

In a special flood hazard area where base flood elevations have not been established:

- (a) The applicant shall be notified that the building site is in an Approximate Study Flood Hazard Area, and extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.
- (b) All new construction, substantial improvements, and replacement structures, including manufactured homes, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. In addition, all manufactured homes shall be installed using methods and practices that minimize flood damage, and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors and shall be installed in a manner to comply with state standards.
- (c) A time extension to the tie-down requirements may be granted for hardship by the City Administrator or his designee between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate against enforcement action for failure to comply.
- (d) For a development that is greater than 50 lots or five acres, whichever is the lesser, base flood elevation data shall be generated by the developer.

(10) GENERAL REQUIREMENTS - BASE FLOOD ELEVATIONS ESTABLISHED. Where base flood elevation data is provided through the Flood Insurance Study of the City shall:

- (a) Obtain and record the actual elevation in relation to mean sea level of the lowest floor (including basement) on all new or substantially improved structures.
- (b) For all new or substantially improved flood resistant structures:
  - i. Verify and record the actual elevation in relation to mean sea level;
  - ii. Maintain the flood resistant construction certifications required by this **Sub section 15.01 (12) (a) and (b).**
- (c) Maintain for public inspection all records pertaining to the provisions of this **Subsection 15.0112 (a) and (b).**
- (d) Require that all new construction and substantial improvements of residential structures have the lowest floor (including the basement and mechanical systems) elevated to one foot above base flood elevation.
- (e) Require that all new construction and substantial improvements of residential structures and replacement residential structures, including manufactured homes, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. In addition, all manufactured homes shall be installed using methods and practices that minimize flood damage; and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors and shall be installed in a manner to comply with state standards.
- (f) A time extension to the tie-down requirements may be granted for hardship by the City Administrator or his designee between May and October based on written appeal. A request shall contain a time schedule for achieving compliance

and an agreement not to remonstrate, against enforcement action for failure to comply.

- (g) Require that fully enclosed areas of residential structures below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - iii. A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - iv. The bottom of all openings shall be no higher than one foot above grade;
  - v. Openings equipped with screens, louvers, or other coverings or devices are allowed provided that they permit the automatic entry and exit of floodwaters.
- (h) Require that all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement and mechanical systems) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities, shall:
  - i. Be flood **proofed** so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of ~~this subsection~~ **15.01 (12) (h)** based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the City Administrator or his designee;
  - iv. Nonresidential structures that are elevated and not flood **proofed** must meet the same standards for space below the lowest floor, as described in **Subsection 15.01 (11) (a) through (g)**;
  - v. Applicants using flood resistant construction for nonresidential structures shall be notified that flood insurance premiums will be based on rates that are one foot below the flood resistant level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (i) Require that all new construction and substantial improvements of agricultural structures have the lowest floor elevated to at least one foot above the base flood elevation or that the structure be elevated on an engineer-designed fill so that the lowest floor is one foot above the base flood elevation or be certified by an engineer or architect that the portion of the structure below the base flood level is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (j) Require that all new placements of mobile homes in mobile home parks in a flood hazard area be anchored with approved tie-downs in order to resist floatation, collapse, or lateral movement. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (k) Require for expansions of existing mobile home parks, where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, that stands or lots are elevated on engineer-designed fill or pilings so that the lowest floor of the mobile home will be one foot above the base flood elevation.

**(11) STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)**

- (a) **Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:**
- (b) **New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM.**
- (c) **New construction and substantial improvements of nonresidential Structures within AO zones shall either:**
  - i. **Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or**
  - ii. **Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Subsection 15.01(12)(h)**
- (d) **Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.**
- (e) **Recreational vehicles placed on sites within AO Zones on the community's FIRM either:**
  - iii. **(i) Be on the site for fewer than 180 consecutive days, and**
  - iv. **(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or**
  - v. **(iii) Meet the requirements of (12)(b) above and the elevation and anchoring requirements for manufactured homes.**

(12) GENERAL REQUIREMENTS – FLOODWAYS. Mobile homes are prohibited in designated regulatory floodways. In all designated regulatory floodways the City shall require that no partitions or land divisions be permitted, or other development occur, if the development site for the structure is inside the floodway boundary or unless the developer can demonstrate through an engineering-analysis that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood levels during the occurrence of a base flood discharge.

(13) WATERCOURSE ALTERATION OR RELOCATION

- (l) Adjacent communities and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be furnished to the Federal Insurance Administration.
- (m) The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.
- (n) Maintenance shall be required within the altered or relocated portion of altered or relocated watercourses so that the flood carrying capacity is not diminished.

(14) GRADING, EXCAVATING AND FILLING.

- (o) Grading, excavation and filling in areas identified as special flood hazards are subject to the following:
  - (p) Any grading or filling requires a floodplain development permit.**
  - (q) No development will occur within 50 feet of any primary or secondary stream channel, including but not exclusive to Salmon Creek, and no swale or other low area necessary to discharge water downstream during periods of flooding shall be obstructed unless a grading permit is approved.

(15) VARIANCES

- (a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

- (b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in Subsection 15.01.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
  - vi. A showing of good and sufficient cause;
  - vii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - viii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (e) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (f) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with the Subsection 15.01(12).
- (g) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (h) The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.
- (i) Variances shall not be issued by the City within any designated regulatory floodway if any increase in base flood discharge would result.
- (j) Variances shall be based on scientific technical data compiled by an Oregon registered surveyor, engineer or architect and submitted by the applicant. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, or conflict with local laws or ordinances.
- (k) In all cases, the applicant is charged with the responsibility of obtaining all technical or other evidence for review and filing and providing them for the City Administrator or his designee and the City Engineer.

(16) FEES. Fees established by the City for the flood plain permits or variances shall be required by ~~this~~ subsection **15.01** to defray the cost of processing applications.

## **ARTICLE 33 – DEFINITIONS**

**Access:** A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

**Access connection:** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

**Access management:** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

**Accessory use or structure:** A use or structure which is detached from but located on the same lot as the principal structure and which is incidental and subordinate to the main use of the property.

**Accessway:** A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

**Appeal:** Means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

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

**“AREA OF SPECIAL FLOOD HAZARD”** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**BASE FLOOD” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.**

**BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.**

Bed and breakfast establishment: A dwelling, or portion of a dwelling, where short-term lodging rooms and meals are provided for guests only and which contains four or fewer guest rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests. The operator of the establishment lives on the premises or in adjacent premises.

**“BELOW-GRADE CRAWL SPACE” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.**

Bicycle facilities: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway: Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- (a) Multi-use path: A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- (b) Bike lane: A 4 to 6-footwide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- (c) Shoulder bikeway: The paved shoulder of a roadway that is 4 feet or wider: typically shared with pedestrians in rural areas.
- (d) Shared roadway: A travel lane that is shared by bicyclists and motor vehicles.

- (e) Multi-use trail: An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Boarding, lodging or rooming house: A building or portion of a building where lodging, with or without meals, is provided for compensation of any kind to persons other than members of a family occupying such a dwelling; but, shall not include nursing homes, residential homes, residential facilities, or bed and breakfast establishments.

Building: Any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel, or personal or real property of any kind. The terms 'building' and 'structure' shall be synonymous and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include a mobile home, manufactured home, and accessories thereto, and gas or liquid storage tanks principally above ground. Driveways or walkways no more than six inches higher than the ground on which they rest shall not be considered buildings.

**“BREAKAWAY WALL” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.**

Clinic: A building designed and used for the medical diagnosis and treatment of human patients that does not include overnight care facilities, but may include a dispensary to handle only merchandise of a nature customarily prescribed by occupants in connection with their practice.

Clinic, small animal: A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with no overnight boarding allowed.

**CRITICAL FACILITY” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.**

Corner clearance: The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

Cross access: A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Day care facility: Any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider or similar unit operating under any name, but not including any:

- ( a ) Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- ( b ) Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- ( c ) Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- ( d ) Facility operated by a school district, political subdivision of this state or a governmental agency.
- ( e ) Residential facility licensed under ORS 443.403 to 443.455.
- ( f ) Babysitters.

For purposes of this definition, a family day care provider means a day care provider who regularly provides day care in the provider's home in the family living quarters.

Development: The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Driveway: An area on private property where automobiles and other vehicles are operated or allowed to stand. A driveway shall consist of a durable, surface of asphaltic concrete, portland cement or other approved materials that shall create a dust-free surface.

Dwelling unit: A dwelling unit is a building that has independent living facilities including provisions for sleeping, one set of cooking facilities, and sanitation, and that is designed for residential occupancy by one group of people.

Dwelling unit, accessory: A secondary dwelling unit on a single family lot which may be either attached to the primary dwelling or detached.

Dwelling unit, duplex: A duplex dwelling unit is a building with two attached housing units on one lot or parcel.

Dwelling unit, multiple: A multiple-dwelling unit is a building or buildings containing four (4) or more dwelling units on one lot or parcel.

Dwelling unit, single: One dwelling unit, on its own lot, whether detached, or sharing common end walls with another unit (townhouse). Manufactured homes on a permanent foundation are considered to be single-dwelling units when consisting of one dwelling unit.

Dwelling unit, single, attached (townhouse): Two or more single family dwellings with one or more common end-walls.

Dwelling unit, tri-plex: A building with three (3) attached housing units on one lot or parcel.

Easement: A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

**“ELEVATED BUILDING” means for insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.**

Family: Any number of individuals living together in a single housekeeping unit and doing their cooking together on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Flood or flooding: As designated by the National Flood Insurance Act of 1988, the general and temporary condition of partial or complete inundation of normally dry land areas:

- ( a ) From the overflow of streams, rivers, or other inland water;
- ( b ) From flow-impounded water; or
- ( c ) From mudslides caused or precipitated by the accumulation of water on or under the ground.

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

**“FLOOD INSURANCE STUDY”** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain: Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Flood resistant or flood resistant construction: Any combination of structural and nonstructural additions, changes, or adjustments to structures which eliminate or reduce flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

**“FLOODWAY”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line of walls separating two buildings, but not including:

- ( a ) Attic space providing head room of less than seven feet;
- ( b ) Basement, if the floor above is less than six feet above grade;
- ( c ) Uncovered steps or fire escapes;
- ( d ) Private garages, carports or porches; or
- ( e ) Accessory off-street parking or loading spaces.

Frontage road: A public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

Functional area (intersection): That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

Functional classification: A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Grade (adjoining ground level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

Height, building: The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Home occupation: An occupation, profession, activity, or use that is clearly incidental and secondary to a residence conducted entirely within a single-dwelling unit, including an attached garage, on a residential lot, which does not change the exterior character or appearance of the dwelling, and does not adversely affect the uses permitted in the district of which it is a part. Home occupations may be engaged in where permitted by this ordinance, provided they conform to the following criteria:

- ( a ) There is no employment of help other than the members of the resident family;
- ( b ) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located;
- ( c ) There is no storage of materials or supplies outside;
- ( d ) There shall be no use of water or sewer facilities or community facilities beyond that normal to the use of the property for residential purposes; and
- ( e ) The use otherwise meets all existing yard and lot coverage requirements of the district in which it is located.

Hospital: Any building or institution specializing in giving health services of a medical or surgical nature to human patients and injured persons where in-patient care is provided over a period exceeding 24 hours.

Hotel or Motel: Any building or group of buildings used for transient residential purposes containing five or more guest rooms and which are intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests. Motels are generally auto-oriented and have a majority of sleeping units opening individually and directly to the outside. One apartment for use of the resident manager may be included.

Joint Access (or Shared Access): A driveway connecting two or more contiguous sites to the public street system.

Kennel: Any lot or premises on which three or more adult dogs or cats are kept whether by the owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation. Any adult dog or cat is one that has reached the age of six months.

Land surveyor: Any person, as defined by ORS 672.002(4), registered in Oregon and holding a valid certificate to practice land surveying in Oregon, as provided by ORS 672.003 to 672.325.

Lot: - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)).

Lot area: The total area within the lots lines of a lot, as measured on a horizontal plane.

Lot, corner: A lot that has two or more connecting sides that abut a street.

Lot coverage: That portion of a lot covered by the ground floor cross section through the enclosed portion of a building above the floor joists.

Lot, flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, frontage: That portion of a lot extending along a street right-of-way line.

Lot, interior: A lot having frontage only on one street.

Lot, line: A line dividing one lot from another lot or from a street or alley.

- ( a ) Front. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
- ( b ) Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. In the case of a triangular-shaped lot, the rear lot line shall be assumed to be a line ten feet long within the lot, parallel to and at the maximum distance from the front lot line.
- ( c ) Side. Any lot line that is not a front or rear lot line.

Lot measurements:

- ( a ) Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- ( b ) Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot, through: A lot having its front and rear lot lines each abutting a street.

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

Manufactured Home: A structure built on or after June 15, 1976 constructed according to federal Manufactured Housing and Safety Standards and Regulations (HUD) in effect at the time of construction. The standards for placement of all manufactured homes are detailed in Article 4 - Low Density Residential District of this ordinance.

Manufactured home subdivision: To subdivide land means to divide land into four or more lots within a calendar year. A manufactured home subdivision is a subdivision of land made under the provisions of Article 17 of this ordinance and the Land Division Ordinance of the City of Oakridge.

**Marijuana Processor:** an individual or entity licensed by the Oregon Liquor Control Commission to process, compound, or convert marijuana into products that contain marijuana or marijuana extracts.

**Marijuana Producer:** an individual or entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow, or harvest marijuana. For purposes of this code, marijuana production is not an agricultural use.

**Marijuana Retailer:** an individual or entity licensed by the Oregon Liquor Control Commission to sell marijuana items to consumers.

**Marijuana Wholesaler:** an individual or entity licensed by the Oregon Liquor Control Commission to purchase marijuana items for resale to someone other than a consumer.

**Medical Marijuana Facility:** a facility registered by the Oregon Health Authority pursuant to ORS 475.314.

**Mobile Home:** A structure constructed before June 15, 1976, built to ANSI Standard A119.1 and bearing the insignia of compliance from the State of Oregon, California, Idaho, Nevada or Washington. Mobile homes constructed before 1974 and not built in conformance with the National Manufactured Home Construction and Safety Standards Act of 1974 shall meet reasonable safety and inspection requirements. The standards for placement of all mobile homes within a mobile home park are detailed in Article 16 - Mobile Home Park Subdistrict of this ordinance.

**Mobile home park:** Any privately owned place where two or more mobile homes used for human occupancy are parked 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 mobile home space or lease mobile home space or keep mobile home space for rent or lease to any person for a charge or fee paid or to be paid for the rental or use of facilities or to, offer space free in connection with securing the trade or patronage of such person.

**Mobile home space:** A plot of ground within a mobile home park designed for the siting of one mobile home.

**Motel:** See hotel.

**NEW CONSTRUCTION** means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

Nonconforming access features: Features of the property access that existed prior to the date of ordinance adoption and do not conform to the requirements of this ordinance.

Nonconforming use: A lawful existing structure, lot or use at the time this ordinance or any amendment to it becomes effective which does not conform to the dimensional or similar standards of the district in which it is located.

Nursing home: Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Residential facilities and residential homes are not nursing homes.

100-year flood: See base flood.

Open space: An area that is intended to provide light and air, preserve natural features, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative landscaping, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, watercourses, and other natural features. Open space does not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Outdoor sales: The sale or offering for sale of goods, merchandise, or services from a location outside of a building; provided that this definition shall not authorize a person to sell or offer for sale goods, merchandise, or services in outdoor sales which goods, merchandise, or services could not be sold or offered for sale within the zone district in which the outdoor sale is proposed to be conducted.

Parcel: A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)).

Parking space: A permanently maintained paved space not less than eight feet wide and 18 feet long, with proper access for one standard-sized automobile.

Pedestrian facilities: A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, multi-use paths, and trails.

Plat: A final map, diagram, drawing, replat or other writing containing all of the descriptions, locations, specifications, dedications, provision and information concerning a subdivision.

Private road: Any roadway for vehicular travel that is privately owned and maintained and which provides the principal means of access to abutting properties.

Public road: A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

Reasonable access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Oakridge.

**“RECREATIONAL VEHICLE” means a vehicle which is:**

- (a) Built on a single chassis;**
- (b) 400 square feet or less when measured at the largest horizontal projection;**
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and**
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.**

Residential facility: Residential care, treatment or training or an adult foster home licensed or otherwise granted authority by the State of Oregon, as defined in ORS 197.660(1), which provides residential care, treatment or training for six to 15 individuals, who need not be related. Staff members are not included when counting residents.

Residential home: Residential care, treatment or training or an adult foster home licensed or otherwise granted authority by the State of Oregon, as defined in ORS 197.660(2), which provides residential care, treatment or training for five or fewer individuals who need not be related. Staff members are not included when counting residents.

Right-of-way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Senior housing: a multiple dwelling unit designed and managed for persons over the age of 55.

Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups; lubrication; minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body and fender work are conducted.

Sign: See Article 2.2 of this ordinance for definitions regarding signs.

**“START OF CONSTRUCTION” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**

Stub-out (stub-street): A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Structure: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

**“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.**

Substantial improvements: Any repair, reconstruction; or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or if tire structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety ordinance specifications or any alteration of the structure listed on the National Register of Historic Place or a State Inventory of Historic Places.

Tri-plex: see definition of "dwelling unit, tri-plex".

Urban Growth Boundary: That Urban Growth' Boundary contained in the City of Oakridge Comprehensive Plan which defines those lands necessary to accommodate the urban growth land needs of Oakridge, as provided for under LCDC Goal No. 14.

**VARIANCE" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.**

Veterinary clinic: A building, together with animal runs and overnight boarding facilities, in which veterinary and related services are rendered to animals.

**"WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.**

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

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front: An area lying between side lot lines, the depth of which is a specified horizontal distance between the front property line and a line parallel to it on the lot.

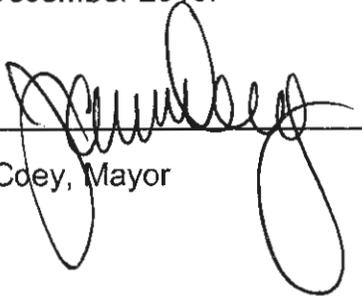
Yard, rear. An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel to it on the lot.

Yard, side: An area adjacent to any side lot line, the depth of which is a specified horizontal distance measured at right angles to the side lot lines and being parallel with said lot line.

**Section IX.** This ordinance shall take effect on the thirtieth day after its enactment.

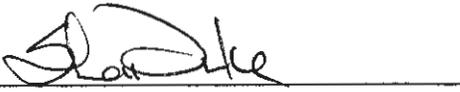
**READ BY TITLE ONLY, PASSED AND ADOPTED** by a vote of the Oakridge City Council this 17th day of December 2015.

**APPROVED AND SIGNED BY THE MAYOR** of the City of Oakridge this 17th day of December 2015.



James Coey, Mayor

Attest:



Susan LaDuke, City Recorder

Ayes: 4

Nays: 0