

REEDSPORT ZONING ORDINANCE

An ordinance regulating the use of land and structures in the City of Reedsport; establishing zones for that purpose; and repealing Ordinance No. 99-513-Y and any and all ordinances in conflict herewith.

The City of Reedsport ordains as follows:

ARTICLE 1 - INTRODUCTORY PROVISIONS

Section 1.010 Title

This Ordinance shall be known as the Reedsport Zoning Ordinance and shall consist of the text hereof and a map entitled, "Reedsport Zoning Map" (amended March 1, 1999), and identified by the approving signature of the Mayor as attested by the City Recorder.

Section 1.015 Purpose

The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, and general welfare.

Section 1.020 Definitions

For the purpose of this Ordinance, certain words, terms and phrases are defined as follows:

Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

Access: The right to cross between public and private property.

Accessory Dwelling Unit: A subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same lot or parcel as the primary dwelling unit and which is incidental to the main use of the property. In no case shall the accessory dwelling unit exceed in area, extent or purpose, the principal lawful use of the main structure or land.

Accessory Use or Accessory Structure: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Administrative Decision: A decision made by the Planning Director or designated staff with public notice and an opportunity for a public hearing. The appeal of an administrative decision is heard by the Planning Commission.

Alley: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Apartment House: See dwelling, multifamily.

Assembly or Meeting Hall: A building owned used for social, organizational, ecumenical, business or educational purposes.

Assisted Living Facility: A program, within a prescribed physical structure, which provides or coordinates a range of supportive personal and health services, available on a 24-hour basis, for the support of residents living independently in a residential setting.

Auto Wrecking Yards (Junk Yards): Premises used for the storage or sale of used automobile parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, machinery, or parts thereof.

Basement: A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast: An accessory use to be carried on within a structure designed for and occupied as a single family dwelling in which (a) an onsite manager/owner resides in the dwelling (b) no more than three guest bedrooms, with no more than six guests, are provided on a daily or weekly period (c) not to exceed 30 consecutive days for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

Benthic: Living on or within the bottom sediments in water bodies.

Boarding and/or Rooming House: A building where lodging, with or without meals, is provided for compensation, but shall not include homes for the aged, nursing homes or group care homes.

Building: A structure or a mobile home built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection according to the uniform building code standards.

Building Coverage: the usable floor area under the horizontal projection of any roof or floor above, excluding eaves.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

City: The City of Reedsport, Oregon.

Commission: The City Planning Commission of the City of Reedsport, Oregon.

Community Building: A publicly owned and operated facility used for meetings, recreation or education.

Community Development Planner: The administrative official of Reedsport Planning Department or their duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use or enjoyment of the public in general.

Comprehensive Plan: Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of the City of Reedsport that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

Condominium: Land, whether leasehold or in fee simple, and all buildings, improvements and structures thereon where the ownership of such land is shared undivided interests except for exclusive and separate ownership or right of residency of each residential unit located on the land. Condominium shall include all property subject to the provisions of ORS 94.004 through 94.480.

Conflict of Interest: When a personal bias or prospect of personal gain prevents a member of some public body from carrying out the purposes of that body in a fair and objective fashion, Oregon Law requires that a Planning Commissioner not take part in a decision in which he or she may have such a conflict, reference ORS 244.135 regarding cities.

Country Club: A club organized and operated primarily for social indoor and outdoor recreation purposes, including incidental accessory uses and structures.

Day Care Facility/Nursery School: Any institution, establishment or place which provides care to three or more children for periods of less than 24 hours.

Dwelling, Multifamily: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

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

Dwelling, Two-family (Duplex): A single structure containing two (2) dwelling units with a common wall and/or a common roof existing on a single lot or parcel and designed for occupancy by two (2) families.

Dwelling Unit: One (1) or more rooms in a building that are designed for occupancy by one (1) family and that have not more than one (1) cooking facility, but not including

space in a mobile home or in a structure or vehicle designed for camping or other temporary occupancy such as a tent or vacation vehicle.

Easement: A grant of the right to use a strip of land for specific purposes.

Ex Parte Contact: Private meetings or discussions between a member of a reviewing body and a person or persons who have some interest in a case to be heard by that body.

Oregon law doesn't forbid such contact but requires that decision makers disclose them publicly. ORS 227.180 is the pertinent statute for cities.

Family: An individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen and providing meals or lodging to not more than (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one (1) housekeeping unit using one (1) kitchen.

Fence, Sight-Obscuring: A continuous fence, wall, evergreen planting or combination thereof constructed and/or planted in such a way as to effectively screen the particular use from view.

Floor Area: The sum of the area included in surrounding walls of the several floors of a building, or portion thereof, exclusive of vent shafts and courts.

Garage, Private: An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

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

Grade, Ground Level: The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest 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, to the deck line or a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling where the occupation is secondary to the main use of the property as a residence.

Hospitals: Institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.

Hotel: A building which is designed, intended or used for the accommodation of tourists, transients and permanent guests for compensation.

Kennel: A lot or premises on which three (3) or more dogs, cats, or other small domesticated animals over the age of four months are kept commercially for board, propagation, training, sale or lease.

Kitchen: Any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Landscaping: The placement of trees, grass, bushes, shrubs, flowers and garden areas, but may also include the arrangement of foundations, patios, decks, street furniture and ornamental concrete or stone walk areas and artificial turf or carpeting.

Legislative Decision: Matters involving the creation, revision, or large scale implementation of public policy, zone changes and comprehensive plan amendments which apply to entire districts. Legislative decisions are initially considered by the Planning Commission with the final decision being made by the City Council.

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 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 a least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage of a public street or easement approved by the Planning Commission or City Council. A lot may be:

- a. A single lot of record.
- b. A combination of complete lots of record, or complete lots of record and portions of lots of record.
- c. A parcel of land described by metes and bounds; provided that in case of division there shall have been approval given to said division by the Commission under the conditions set forth in the Reedsport Subdivision Ordinance.

Lot Area: The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.

Lot, Corner: A lot abutting on two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Coverage: The total horizontal area within the vertical projection of the exterior walls of the buildings on a lot expressed as a percentage of the lot area.

Lot Frontage: The front of a lot shall be construed to be the lot line nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot, Interior: A lot other than a corner lot with only one (1) frontage on a street.

Lot, Line: The property line bounding a lot.

Lot Line, Front: The lot line or lines common to the lot and a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot Line, Rear: The lot line or lines 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 lot line.

Lot of Record: A lot created prior to the effective date of this Ordinance as shown as a lot on a final plat of a recorded subdivision.

A parcel of land described by metes and bounds in a deed, record of survey or other appropriate document, recorded in the office of the County Clerk prior to the effective date of this Ordinance, the creation of which was not in violation of any State Statute or City Ordinance.

Any lot created pursuant to the Reedsport Subdivision Ordinance within a subdivision for which a preliminary plat has been approved by official Planning Commission or action pursuant to said Subdivision Ordinance prior to the effective date of this Ordinance.

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

Lowest Floor: 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 nonelevation design requirements of this ordinance.

Manufactured Dwelling: (1) residential trailers constructed before January 1, 1962; and (2) mobile homes constructed between January 1962 and June 15, 1976, which met Oregon construction requirements then in effect.

Manufactured Home: A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

Manufacturing: Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment.. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

Marina: Public or private piers, docks, boat launching and moorage facilities used for both commercial and pleasure craft, including fueling and other similar service activities, but not including industrial activities.

Medical Services: Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentist, nurses, and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Ministerial Decision: Decisions made by the Planning Director or designated staff where there is clear and objective criteria and the decision requires no use of discretion. These decisions are made without public notice or public hearing.

Mini-Warehouse/Storage Units: A structure or structures divided into units, used only for storage of goods by an individual or business on a rental basis.

Mitigate: To provide measures which will enable an estuarine area to develop similar flora and fauna to compensate for areas where intertidal marshes are filled.

Mobile Home: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.

Mobile Home Park: A mobile home park is a lot, tract, or parcel with four or more spaces for rent within five hundred (500) feet of one another.

Motel: A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

Motor Vehicle: Motor vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Nonconforming Lot of Record: A parcel of land which lawfully existed as a lot in compliance with all applicable Ordinances and laws, but which because of the application of a subsequent Zoning Ordinance, no longer conforms to the lot dimension requirement for the zoning district in which it is located.

Nonconforming Structure: A structure or portion thereof, which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of a subsequent Zoning Ordinance: (1) No longer conforms to the setback, height, maximum lot coverage or other building development requirements of this Ordinance; or (2) Is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

Nonconforming Use: Use of structure or land or structure and land in combination, which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of a subsequent Zoning Ordinance no longer conforms to the use requirements for the zoning district in which it is located.

Nursing Home: A public or private establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves properly.

Parking Space: An off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one (1) automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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

Planned Unit Development: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space, to the regulations otherwise required by this Ordinance.

Planning Commission: The Planning Commission of Reedsport, Douglas County, Oregon.

Professional Office: The place of business of a person engaged in a profession such as, but not limited to: accountant, architect, artist, attorney-at-law, doctor or practitioner of the human healing arts.

Public Utility: Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly, to the public.

Quasi-Judicial: Decisions made by the Planning Commission after public notice and a public with appeals to the City Council.

Recreation Vehicle: A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle which is intended for human occupancy and is designated for vacation or recreation purposes but not residential use.

Recreation Vehicle Park: A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Residential Care Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related to each other or to any resident of the residential facility. 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 other residents of the residential facility.

Residential Care 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 home.

Resource Capability: The degree to which a natural resource can be physically, chemically or biologically altered or otherwise assimilate an external use and still function to achieve the purposes of the management unit in which it is located.

Resource Capabilities Test:

Natural Management Unit: A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Conservation Management Unit: A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

Restore: Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

Active restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

Passive restoration is the use of natural processes, sequences and timing of which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Retail Sales: The sale or rental of commonly used goods and merchandise for person or household use. Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retirement Home: A private or public establishment for elderly persons who are self sufficient.

Riparian Vegetation: Vegetation situated on the edge of the bank of the river or other body of water which contributes to the water quality of controlling erosion of the banks and lowering temperature levels of the water.

Row Houses: A series of individual houses having architectural unity and a common wall between each unit.

School: Any institution for learning, whether public or private, meeting State of Oregon accreditation standards.

Service Station: That part of any lot used in the normal course of business for the retail sale of motor vehicle fuel and lubricants for delivery into the consuming vehicle on the premises and, in addition, at operator's option:

The sale and installation of motor vehicle accessories.

The performance of motor tune-ups, tire patching, battery charging and other similar minor or emergency repairs to motor vehicles.

Any other sale, service or use customarily incidental to the operation of a service station where the sale of such products or the rendering of such services or such uses are otherwise permitted within the zone, when conducted in the manner prescribed by the zoning regulations for such sale, service or use.

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

Street: An officially approved public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Ordinance. The word "street" shall include all arterial highways, freeways, traffic collector streets and local streets.

Structure: Something constructed or built or a piece of work artificially built or composed of parts joined together in some definite manner.

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

Town House: Formerly referred to as a residence in town, the term is now used to describe those residential developments which permit single-family construction on high cost land by use of row houses.

Trailer House, Travel: A portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle not more than eight (8) feet in body width or more than thirty-two (32) feet in body length and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

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

Vehicular Storage: A vehicular storage area and area for the storage of abandoned, impounded, dismantled, obsolete or wrecked vehicles.

Vision Clearance: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, wall structures or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height above the curb level.

Watchman's Quarters: A subordinate dwelling unit of which the use is located on the same lot as the main use of the property and is incidental to the main use of the property.

Water-Dependent: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

Water-Oriented: Uses which are not dependent upon access to a water body, but which utilize the view or proximity of a water body to enhance the quality of goods or services offered to the public.

Water-Related: Uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use, and which if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wholesale, Storage, and Distributing: Establishments or places of business primarily engaged in the wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Front: A yard between side lot lines and measured horizontally at right angles to the front lot line from the front line to the nearest wall of a building or other structure.

Yard, Rear: A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest wall of a building or other structure.

Yard, Side: A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest wall of a building or other structure.

Yard, Street Side: A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest wall of a building or other structure.

[this page reserved for Table 2.000 – Zoning District Standards]

ARTICLE 2 - ESTABLISHMENT OF ZONES

Section 2.010 Classification of Zones

For the purposes of this Ordinance the following zones are hereby established:

ZONE	ABBREVIATED DESIGNATION
Residential	
Rural Suburban (Low Density)	R-A
Single Family Residential (Med. Density)	R-1
Multifamily Residential (High Density)	R-2
Commercial	
Commercial Transitional	C-1
Commercial	C-2
Marine Commercial (Water-Related)	C-3
Industrial	
Light Industrial	M-1
Industrial	M-2
Marine Industrial (Water-Dependent)	M-3
Public/Semipublic Land	PL
Estuarine Natural	EN
Estuarine Conservation	EC
Estuarine Development	ED
Urban Conservation Shorelands	CS
Agricultural Resource	AR

Section 2.020 Location of Zones

The boundaries for the zones listed in this Ordinance are indicated on Reedsport Zoning Map, amended March 1, 1999, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.030 Zoning Map

A zoning map or amendment thereto adopted by Section 2.020 of this Ordinance or by amendment thereto shall be prepared by authority of the Planning Commission or be a modification by the City Council of a map or map amendment so prepared.

The map or amendment thereto shall be dated with the effective date of the Ordinance which adopts the map or amendment thereto. A certified print of the adopted map or amendment thereto shall be maintained in the office of the City Administrator as long as this Ordinance remains in effect.

Section 2.040 Zoning Boundaries

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended.

Section 2.050 Zoning of Annexed Areas

Unzoned areas annexed to the City shall be zoned in accordance with the City's Comprehensive Plan.

Section 2.060 Compliance

Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this Ordinance permits.

ARTICLE 3 - USE ZONES

Section 3.010 (R-A) Rural Suburban Zone - Low Density

Purpose: To provide low density larger suburban type residential developments.

Uses Permitted Outright: No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A single family dwelling or duplex.
2. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, greenhouses, poultry houses, animal shelters or similar and related accessory uses for which a conditional use has been granted, provided, however, that there shall be not more than four (4) buildings allowed as accessory to any single family dwelling. (ORD 513-D, July 7, 1980)
3. Churches, provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (free-standing or attached to a church by a vestibule), shall be considered as a residential structure.
4. Crop cultivation or farm and truck gardens, including wholesale plant nurseries.
5. Home occupations may be allowed as provided for in Section 4.040.
6. Hospitals, provided that any buildings used for hospital purposes shall provide and maintain a setback of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback.
7. Manufactured home subject to standards in Section 3.025.
8. Planned unit developments subject to standards in Section 3.110 through 3.120
9. Privately operated day care facilities; provided the residential character of the building is maintained.

- 10. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
- 11. Residential care homes and residential care facilities.
- 12. Schools (elementary, junior high and high); provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; alleys contiguous to or within the property being used for school purposes may be included in the required setback.
- 13. The hatching and raising of poultry and fowl, the raising of rabbits, bees and the like and the keeping of domestic animals except swine, as an incidental use; provided that:
 - a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below:

Horse	20,000 sq. ft.
Cow	20,000 sq. ft.
Goat or Sheep	20,000 sq. ft.
 - b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one (1) for each five hundred (500) square feet of property; provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, fowls, and/or rabbits (under the age of six (6) months) allowed on the property at any one time shall not exceed three (3) times the allowable number of chickens, fowl, and/or rabbits over the age of six (6) months.
 - c. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each one thousand (1000) square feet of lot area.
 - d. Animal runs or barns, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line nor closer than fifty (50) feet from any residence.

- e. Animals, chickens and fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
- 14. When an R-A zoned area is reclassified to another zone as hereinafter listed, all those land uses granted under Section 3.010.10 shall be completely discontinued within a period of six (6) months from the date of reclassification.
- 15. Forest Uses, including the propagation and harvesting of forest products and ancillary uses consistent with State Forest Practices Act.

Uses Permitted Conditionally:

- 1. Accessory dwelling unit subject to standards in Section 3.027.
- 2. Assisted living facility.
- 3. Parks, playgrounds, golf courses or community centers.

Parking Requirements: Parking shall be provided as specified under Section 4.020.

Signs: Signs shall be provided as specified under Section 4.050.

Height: No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2-1/2) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools, or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

Area:

- 1. Size of Lot: Residential lots shall have a minimum average width of seventy (70) feet and the minimum lot area per dwelling shall be twenty thousand (20,000) square feet, except that where a lot has an average width of less than seventy (70) feet and an area of less than twenty thousand (20,000) square feet at the time this Ordinance became effective, such lot may be occupied by any use permitted in this section.
- 2. Percent of Coverage: The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40%) percent of the lot area.

Building Setback Requirements:

- 1. Front Yard: No structure shall be located less than fifteen (15) feet from the property line.

2. Side Yards: On interior lots and the interior side of corner lots there shall be a side yard on each side of the main building of not less than five (5) feet on one side and eight (8) feet on the other side. On corner building sites no building shall be closer than fifteen (15) feet to the property line.
3. Rear Yard: For lots which have an alley no rear yard setback is required. If there is no platted alley a 5 foot rear yard shall be required.

Vision Clearance: Vision clearance shall be provided as specified under Section 4.090.

Section 3.020 (R-1) Single Family Residential - Medium Density

Purpose: To provide a quality environment for medium density single family residences, duplexes and other compatible land uses determined to be desirable and/or necessary.

Uses Permitted Outright: No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A dwelling arranged, intended and designated exclusively for (1) family.
2. A dwelling for two (2) families (duplex).
3. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, playhouses or similar and related accessory uses for which a special permit has been issued; provided, however, that there shall be not more than two (2) buildings allowed as accessory to any single family dwelling.
4. Churches (except rescue missions or temporary revival), provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (free-standing or attached to a church by a vestibule), shall be considered as a residential structure.
5. Home occupations may be allowed as provided for in Section 4.040.
6. Manufactured home subject to standards in Section 3.025.
7. Manufactured homes will be allowed in an approved Planned Unit Development.
8. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-1 lot abuts a commercial or industrial zone.
9. Parks and playgrounds owned and operated by a governmental agency. (ORD 513-D, July 7, 1980)
10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
11. Planned unit developments subject to standards in Section 3.110 through 3.120

12. Privately operated day care facility; providing residential character of the building is not changed.
13. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
14. Residential Care Homes.
15. Schools, (elementary, junior high and high), provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; alleys contiguous to or within the property being used for school purposes may be included in the required setback.
16. The office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided that: (1) Such office is situated in the same dwelling unit as the home of the occupant; (2) Such office shall not be used for the general practice of medicine, surgery and dentistry, but may be used for consultation and emergency treatment as an adjunct to a principal office; (3) There shall be no assistants employed.
17. Forest uses including propagation and harvest of forest products and ancillary uses consistent with State Forest Practices Act.

Uses Permitted Conditionally:

1. Accessory dwelling unit subject to standards in Section 3.027.
2. Assembly or meeting halls may be allowed as a conditional use after an examination of the location and a public hearing has convinced the Planning Commission that the proposed use will not be detrimental to adjacent and surrounding property and further provided: (ORD 513-C, May 12, 1980)
 - a. The use of the building shall be restricted to the applicant without right to lend, rent or sublease the building to another person or organization.
 - b. The use of the building shall meet all standards of this Zoning Ordinance unless specific variances are requested and granted at the time of the Conditional Use Hearing.
 - c. There shall be no gambling, sale or use of alcoholic beverages on premises.

- d. Signing shall be limited to one (1) sign not to exceed twelve (12) square feet and shall be attached to the building; signs may be illuminated but may not be of the flashing or moving type.
3. Assisted living facility.
4. Bed and Breakfast Establishments.
5. Hospitals may be allowed under a conditional use after public hearing and examination of the location has convinced the Planning Commission that such a structure will not be detrimental to adjacent and surrounding property, and provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines (except on the street side of corner lots) of at least fifty (50) feet; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback.
6. Manufactured home parks.
7. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020 for which a conditional use permit has been granted.
8. Private, noncommercial playgrounds. (ORD 513-D, July 7, 1980)

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Signs: Signs shall be allowed as specified in Section 4.050.

Height: No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2-1/2) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

Area:

1. Size of Lot: Residential lots shall have a minimum average width of sixty (60) feet and the minimum lot area per dwelling shall be six thousand (6000) square feet at the time this Ordinance became effective, such lot may be occupied by any use permitted in this section.
2. Percent of Coverage: The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.

Building Setback Requirements:

1. Front Yard: No structure shall be located less than fifteen (15) feet from the property line.
2. Side Yards: On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet to the property line.
3. Rear Yard: For lots which have an alley no rear yard setback is required. If there is no platted alley a 5 foot rear yard shall be required.

Vision Clearance: Vision Clearance shall be provided as specified under section 4.090.

Section 3.025 Standards for Manufactured Homes in Single Family Residential Zone.

These standards shall apply only to manufactured housing on single family lots within zones that allow single family dwelling units. It does not apply to manufactured homes within a mobile home park.

- (a). The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (b). The manufactured home shall be placed on an excavated and permanent back-filled foundation and enclosed at the perimeter such that the bottom edge of manufactured home exterior wall is located not more than 16 inches above grade. Where the building site has a sloped grade, no more than 16 inches of the enclosed material shall be exposed on the up hill side.
- (c). The manufactured home shall have a pitched roof with a slope of three feet in height for each 12 feet in width.
- (d). The manufactured home shall have exterior siding and roofing which in, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
- (e). The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

- (f) The manufactured home shall have a garage or carport constructed of like materials.
- (g) The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts.
- (h) All other standards listed in the applicable zone shall apply.

Section 3.027 Standards for Accessory Dwelling Units.

- (a) The structure shall comply with the Oregon Structural Specialty Code.
- (b) The main use of the property shall be a residential conforming use.
- (c) Either the primary residence or accessory dwelling unit shall be owner-occupied. A family member may be resident caretaker of the principal house and manager of the accessory dwelling unit.

Accessory dwelling units under this section shall not be separated in ownership under the provision of ORS 94 or any other law or ordinance allowing unit ownership of a portion of a building.

- (d) A maximum of one accessory dwelling unit is allowed per lot, and no lot or property shall contain more than two (2) dwelling units.
- (e) The maximum floor area of the accessory dwelling shall not exceed 750 square feet.
- (f) The building height of a detached accessory dwelling unit shall not exceed 25 feet.
- (g) A 4 to 6 foot hedge or site obscuring fence may be required on the side or rear yard to buffer a detached accessory dwelling from dwellings on adjacent lots, or for the privacy and enjoyment of yard areas by the occupants on adjacent residential properties.
- (h) A detached accessory residence shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of five (5) feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements.
- (i) A detached accessory dwelling unit must be residential in character with an exterior finish that is similar in materials and color to the primary residence.
- (j) A separate address shall be required for each residence.

- (k) One additional off-street parking space is required to accommodate the accessory dwelling unit.
- (l) All other standards of the applicable zone shall apply.

Section 3.030 (R-2) Multifamily Residential - High Density

Purpose: To provide suitable high density residential developments while preserving the residential character of the area.

Uses Permitted Outright: No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the R-1 single family residential zoned areas.
2. Apartment houses.
3. Boarding and lodging houses.
4. Clubs, lodges and assembly halls (private or nonprofit).
5. Convalescent/nursing homes including necessary and incidental services.
6. Home occupations may be allowed as specified in Section 4.040.
7. Manufactured homes will be allowed in approved Planned Unit Developments.
8. Multifamily dwellings.
9. Day care facilities.
10. Orphanages and charitable institutions.
11. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-2 lot abuts a commercial or industrial zone.
12. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
13. Planned unit developments subject to standards in Section 3.110 through 3.120
14. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
15. Public or private schools.
16. Residential care facilities.

Uses Permitted Conditionally:

1. Accessory dwelling unit subject to standards in Section 3.027.
2. Assisted living facility.
3. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020 for which a conditional use permit has been granted.

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Signs: Signs shall be allowed as specified in Section 4.050.

Height: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories with a maximum of forty-five (45) feet.

Area:

1. Size of Lot: Every lot shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6000) square feet. The minimum lot area per dwelling unit shall be one thousand (1000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet for each occupant thereof.

However, where a lot has an average width of less than sixty (60) feet at the time this Ordinance became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage: The main building and accessory buildings located on any building site or lot shall not cover in excess of fifty (50) percent of the lot area.

Building Setback Requirements:

1. Front Yard: No structure shall be located closer than fifteen (15) feet to the front property line.
2. Side Yards: On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet from the property line.
3. Rear Yard: For lots which have an alley no rear yard setback is required. If there is no platted alley a 5 foot rear yard shall be required.

Vision Clearance: Vision Clearance shall be provided as specified in Section 4.090.

Section 3.040 (C-1) Commercial Transitional Zone

Purpose: Commercial Transitional Zone shall serve the purpose of providing a desirable mixing of residential land uses with limited commercial land uses in close proximity to adjacent residential districts. The zone is also intended to serve local neighborhood needs rather than provide a full commercial area for an entire community. The limited commercial uses allowed in this district are selected for their compatibility to meet frequently recurring needs of the neighborhood.

Uses Permitted Outright:

1. All business and professional offices selling services only.
2. Any use permitted in the R-1 and R-2 zones, subject to regulations of the R-1 and R-2 zones.
3. Barber shop or beauty parlor.
4. Book or stationery store.
5. Clinics (does not include veterinarian clinics).
6. Clubs or lodges, fraternal and religious associations.
7. Confectionery store.
8. Craft or hobby shop.
9. Drugstore or pharmacy.
10. Dry goods or notions store.
11. Florist or gift shop.
12. Framing shop.
13. Grocery store.
14. Home occupations may be allowed as provided for in Section 4.040.
15. Laundromat.
16. Tailor, millinery or custom dressmaking shop.
17. Photographer.

18. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
19. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
20. Single family residence as a secondary use when it is attached to or part of the commercial structure.
21. Clothing and wearing apparel shops.
22. Telephone and telegraph exchanges.

Uses Permitted Conditionally:

1. Mobile home parks.
2. Other uses not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above.

Limit of Floor Space: All retail businesses will be limited to two thousand five hundred (2500) square feet of retail floor space.

Limit of Business Hours: Grocery stores, laundromats and retail businesses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m.

Parking Space Required: Parking space and loading space shall be provided as specified under Section 4.020.

Signs: Exterior signs shall be provided as specified under Section 4.050.

Height: No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of forty-five (45) feet in height.

Area:

1. Size of Lot: Lots shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6000) square feet, except that where a lot has an average depth of less than sixty (60) feet and an area of less than six thousand (6000) square feet at the time this Ordinance became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage: The main building or buildings (including accessory buildings) shall not occupy in excess of sixty (60) percent of the ground area.

Building Setback Requirements:

1. Front Yard: No structure shall be located closer than fifteen (15) to the front property line.
2. Side Yards: On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. Accessory buildings located less than seventy (70) feet from the front property line shall conform to the setback established for the main building. On corner building sites no building shall be closer than ten (10) feet to the exterior side lot line.

Vision Clearance: Vision clearance for corner lots shall be provided as specified in Section 4.090.

Other Required Conditions:

1. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.
2. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.
3. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

Section 3.050 (C-2) Commercial Zone

Purpose: To provide areas suitable and desirable within which a wide range of retail sales and business may occur.

Uses Permitted Outright: No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Any use permitted in the C-1 zone, (excluding new R-1 and R-2 uses), subject to regulations of the C-1 zone, except Old Town District (Highway 38 from 3rd to 5th Street) in which residential quarters as a secondary use will be permitted outright.
2. Legally established residential use types pre-existing the adoption of this ordinance; however in the event of destruction of structure, it must be rebuilt within eighteen (18) months in order to continue as a residential use unless an extension of time is approved by the Planning Commission. If the structure is converted to another use permitted within this zone, said structure shall not revert to residential use.
3. Advertising business. (ORD 520, August 20, 1974)
4. Agricultural supplies and machinery sales rooms.
5. Automobile sales agencies.
6. Auto maintenance and repair shops within an enclosed building.
7. Bakery.
8. Bank.
9. Building supplies including retail sales of lumber.
10. Catering Service.
11. Clothing Store.
12. Curios and antiques.
13. Delicatessen store.
14. Department store.
15. Dry cleaning, laundry or pressing establishment.

16. Feed and fuel stores.
17. Furniture, household goods and furnishings.
18. Hotels and motels.
19. Indoor theaters.
20. Manufactured home sales.
21. Meat market.
22. Musical instruments and supplies.
23. Office supplies and equipment.
24. Outdoor storage related to an outright permitted use within an enclosed, view-obscured area.
25. Paint and wallpaper supplies.
26. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
27. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science if conducted wholly within a completely enclosed building.
28. Plumbing supplies.
29. Printing and newspaper facilities.
30. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
31. Recreational vehicle sales.
32. Restaurants, tea rooms, cafes.
33. Secondhand stores if conducted wholly within an enclosed permanent building.
34. Seeds and garden supplies.

35. Self-service dry cleaning establishments using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-odorous as well as nonexplosive and nonflammable at temperatures below one hundred thirty-eight and five tenths (138.5) degrees Fahrenheit.
36. Service stations, providing greasing and tire repairing are performed completely within an enclosed permanent building.
37. Shoe or shoe repair shop.
38. Sporting goods.
39. Stores, retail and wholesale.
40. Surgical supplies and equipment.

Uses Permitted Conditionally:

1. Any use permitted outright operating from a temporary structure or building.
2. Mini-warehouses. (ORD 513-C, May 23, 1980)
3. Recreational vehicle park.
4. Residential quarters as a secondary use.
5. Churches (excluding the Hwy. 101 Commercial Corridor).
6. Day care facilities
7. Stores, retail and wholesale with limited manufacturing provided, that:
 - a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales.
 - b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise.
 - c. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities. Temporary sales displays may be permitted adjacent to a permanent building.
8. Other uses not specified in this or any other district if the Planning Commission finds them to be similar to the uses listed above.

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Area: Percentage of coverage. Full coverage is allowable providing minimum loading space, parking and setbacks have been provided.

Building Setback Requirements:

1. Front Yard: Front yards shall not be required except where setbacks are established for road widening purposes.
2. Side Yard: Side yards shall not be required, but if side yards are created they shall be a minimum of three (3) feet wide and three (3) feet deep.
3. Rear Yard: No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as specified in Section 4.050.

Storage: All storage kept in conjunction with outright and conditional shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

Height: No building or structure, nor enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of forty-five (45) feet in height.

Section 3.060 (C-3) Marine Commercial (Water Related/Oriented Commercial Shorelands)

Purpose: To provide shoreland areas suitable and desirable for water-dependent, water-related/oriented retail business activities. Intended to provide areas for attractive development of tourist, lodging, restaurants and related facilities.

Uses Permitted Outright: The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this Ordinance.

1. Aids to navigation.
2. Bait, tackle shop and charter service.
3. Boat launching and moorage facilities, marina.
4. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
5. Handicraft, novelties and curio shops.
6. Laboratory for research of marine products and resources.
7. Maintenance and rehabilitation of existing structures.
8. Gift or specialty shop.
9. Motel, hotel and bed-and-breakfast establishments.
10. Office in conjunction with a permitted or conditionally permitted use.
11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
12. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
13. Public outdoor recreation area.
14. Public waterfront access.
15. Research and education observation.
16. Restaurants.

17. Sales, service and rental of marine supplies and equipment.
18. Storage of marine/estuarine products, fishing gear and marine equipment in buildings of less than five thousand (5000) square feet of total floor space.
19. Stores, (retail and wholesale), and business uses similar to the above and normally located in a marine/commercial district, provided that:
 - a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales.
 - b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise.
20. Wholesale or retail markets for marine/estuarine products limited to two thousand five hundred (2500) square feet.

Uses Permitted Conditionally: The following uses and activities and their accessory buildings and uses may be permitted on the C-3 zone subject to the provisions set forth in this Ordinance and to the applicable standards and criteria set forth in Section 3.060, and the Supplemental Provisions for Estuarine and Shoreland Areas Article 5.

1. Flood and erosion-prevention structures.
2. Laundromat.
3. Marine-oriented professional office building.
4. Processing of seafood in conjunction with retail sales operation.
5. Public utility or communications facilities.
6. Recreational vehicle park.
7. Residential quarters as a secondary use.
8. Storage of products and material transported by means of estuarine waters such as logs and gravel.
9. Other uses not specified in this district, but similar to permitted uses and demonstrated to be water-related/oriented commercial by applicant as evidenced by their design, use, and character .

Uses Permitted with Standards: The following uses and activities and their accessory buildings and uses are permitted in the C-3 zone subject to the provisions set forth in this Ordinance, the applicable standards and criteria set forth in Section 3.060 and the Supplemental Provisions for Estuarine and Shoreland Areas Article 5.

1. Disposal of dredged material.
2. Non-dependent uses which are temporary and do not preclude the timely use of the site for water-dependent uses when need arises; for example, parking and open storage.
3. Transportation facilities essential to service water-dependent uses.

Standards and Criteria: In the C-3 zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon demonstration by the applicant that the uses are in fact water-dependent or water-related consistent with the criteria set forth in the definitions.
2. Storage of materials or products shall be permitted if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing use or activity.
3. Any applicant for a use shall furnish evidence of compliance with or intent to comply with all applicable permit and rule requirements of: (1) City of Reedsport; (2) The Port of Umpqua; (3) The Department of the Environmental Quality; (4) The Division of State Lands; (5) The U.S. Army Corps of Engineers; and (6) All other agencies having interest applicable to the proposed use. If a statement of intent to comply is submitted, the approving authority may conditionally approve subject to compliance.
4. Non-dependent and non-related uses such as marine-oriented public office buildings, grocery store, laundromats and restaurants may be permitted upon a demonstration of public need; findings that sufficient quantity of land has been established and preserved to meet the projected need for water-related uses and if shown that the goods and services provided by these areas are directly associated with water-related or water-dependent uses and the quality of these products or services is dependent on being located adjacent to those uses or the water.
5. Dwellings for caretakers and attached single-family dwellings may be allowed in urban water-related shorelands if such uses are an integral part of a water-related use and do not interfere with the location and operation of other water-related uses.

Parking Requirements: Parking and loading shall be provided as specified in Section 4.020.

Area: Full coverage is allowed provided minimum parking spaces are provided.

Building Setback Requirements:

1. Front Yard: Front yards will not be required, except where setbacks are established for road widening purposes.
2. Side Yards: Side yards will not be required, but if side yards are created, they shall be a minimum of three (3) feet wide.
3. Rear Yard: No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as specified in Section 4.050.

Height: No building or structure, no enlargement of any building or structure, shall be hereafter erected or remodeled to exceed three (3) stories with a maximum of forty-five (45) feet in height.

Section 3.070 (M-1) Light Industrial Zone

Purpose: To provide areas suitable and desirable for secondary manufacturing and related establishments and more intense commercial use with limited external impact.

Uses Permitted Outright: No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or maintained, except for the following uses:

1. Accessory buildings and uses normally associated with buildings permitted outright and conditionally.
2. Any use permitted in the C-3 and C-2 zone (excluding C-1 uses), subject to regulations of C-3 and C-2 zones.
3. Building supply stores less than 20,000 square feet in size.
4. Implement, machinery, heavy equipment and truck repair.
5. Kennels.
6. Laboratories (research, development, testing).
7. Light fabrication and repair shops such as cabinet, electric motor, heating, machine, sheet metal, auto body and welding.
8. Manufacture of electric, electronic, precision components or optical instruments.
9. The manufacturing, compounding, processing, packaging, or treatment of such products as apparel and other finished products made from fabric and similar materials; cosmetics; drugs, electronic and communications components, systems, equipment and supplies; high technology components; leather and leather products; lumber and wood products; paper and allied products; precision testing, medical and optical goods; perfumes; toiletries; objects or decorative items; novelties; millwork; sporting goods; building specialties; signs; food, beverage and related products except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.

12. Storage buildings or warehouses, freight and truck terminals. (ORD 520, August 12, 1974)
13. Transportation and freight yards and terminals.
14. Veterinary clinic.
15. Wholesale business salesrooms.
16. Wholesale trade.

Uses Permitted Conditionally:

1. Firing ranges. (ORD 615, October 5, 1981)
2. Residential quarters, (including mobile home for watchman's quarters), as a secondary use.
3. Building supply stores exceeding 20,000 square feet in size
4. Other uses not specified in this or any other district if the Planning Commission finds them to similar to the uses listed above provided that: (ORD 520, August 12, 1974)
 - a. Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance and not hazardous to the public health or safety.
 - b. Items manufactured, processed or produced in this area shall be primarily for wholesale.
 - c. Vehicular access to streets and highways shall be limited and shall meet with approval of the Planning Commission.
 - d. All business shall be conducted wholly within an enclosed building.

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Area: Percent of coverage. Full coverage is allowable, providing minimum parking space, servicing space and setbacks have been provided.

Building Setback Requirements:

1. Front Yard: Front yards shall not be required except where specified setbacks are established for road widening purposes.
2. Side and Rear Yards: Side or rear yards shall not be required, but if the side or rear yards are created, they shall be a minimum of five (5) feet.

Height: No structure shall exceed a height of fifty (50) feet.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as specified in Section 4.050.

Storage: All storage kept in conjunction with outright and conditional uses where abutting commercial and residential zones shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

Section 3.080 (M-2) Industrial Zone

Purpose: To provide areas suitable and desirable for medium and heavy industrial development and uses free from conflict with commercial, residential and other non-compatible land uses.

Uses Permitted Outright: No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses which are permitted subject to special provisions and regulations of this Ordinance.

1. Accessory buildings and uses normally associated with uses permitted outright and conditionally.
2. Any manufacturing, processing, repair, research, testing, assembly, wholesale or storage uses.
3. Any use permitted in the M-1 zone (excluding C-2 uses), subject to regulations of the M-1 zone.
4. Bottling works.
5. Cement concrete batching plants and the manufacture and sale of concrete products.
6. Collection, packaging, storage and reprocessing of recyclable materials such as newspaper, cardboard, glass, metal, plastic or oil.
7. Contractor's equipment storage yards.
8. Freight and truck yards or terminals.
9. Laundry, cleaning and dyeing works, carpet and rug cleaning.
10. Lumber yards, retail, including mill work.
11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
12. Plumbing and sheet metal shops.
13. Poultry or rabbit killing and processing.
14. Public buildings and structures such as fire stations, substations, pump stations, reservoirs, public utility facilities and government buildings.

15. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.

Uses Permitted Conditionally:

1. Auto wrecking yards. (ORD 513-D, July 7, 1980)
2. Firing ranges. (ORD 615, October 5, 1981)
3. Residential quarters, (including mobile home for ~~night~~ watchman's quarters), as secondary use.
4. Other uses not specified in this or any other district if the Planning Commission finds them to similar to the uses listed above provided that:
 - a. Use is not objectionable due to dust, smoke or odor and not hazardous to the public health or safety.
 - b. Vehicular access to streets and highways shall be limited and shall meet with the approval of the Planning Commission

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Area: Percent of coverage. Full coverage is allowable providing minimum parking space, servicing space and setbacks have been provided.

Building Setback Requirements:

1. Front Yard: No front yard will be required.
2. Side and Rear Yards: Side or rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as provided in Section 4.050.

Height: No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed a maximum of fifty (50) feet in height.

Section 3.090 (M-3) Marine Industrial Zone (water-dependent industrial shorelands)

Purpose: To provide shoreland areas suitable for water-dependent manufacturing, industrial and other compatible land uses.

Uses Permitted Outright: The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this Ordinance.

1. Aids to navigation.
2. Boat launch or moorage facility, marina and boat charter.
3. Cold storage and ice processing for marine/estuarine products.
4. Communication facilities essential to service water-dependent use.
5. Energy production facilities, forest products processing and other industrial complexes dependent on the estuarine or marine waters for processing, transportation of material, loading or unloading from ships and barges, etc.
6. Extraction, processing or storage of aggregate from within or adjacent to estuarine waters.
7. Facilities for construction, repair, maintenance and dismantling of boats, barges, ships and related marine equipment.
8. Facilities for processing of products harvested from the estuary or ocean.
9. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
10. Laboratory for research on marine/estuarine products and resources.
11. Loading and unloading facilities.
12. Maintenance and rehabilitation of existing structures.
13. Manufacture of products where the raw materials or finished products are transported upon estuarine waters.
14. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance.
15. Office in conjunction with a permitted or conditionally permitted use.

16. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
17. Public waterfront access.
18. Research and education observation.
19. Utilities such as power and telephone lines and their support structures, gas lines, water lines and sewer lines.
20. Wharves, docks and piers.

Uses Permitted Conditionally: The following uses and activities and their accessory buildings and uses may be permitted, subject to provisions of this Ordinance and applicable standards and criteria set forth in Section 3.090, and the Supplemental Provisions for Estuarine and Shoreland Areas, Article 5.

1. Aquaculture.
2. Flood and erosion-prevention structures.
3. Manufacture of structural devices to be used in the storage, extraction and processing of resources found in coastal waters.
4. Residential quarters, (including mobile home for night watchman), as secondary use.
5. Retail seafood market in conjunction with seafood packing and processing plant.
6. Uses not listed above which must locate next to the estuary because of a demonstrated relationship to the water, proven unavailability of upland locations or specialized citing requirements.

Uses Permitted with Standards: The following uses and activities and their accessory building and uses are permitted in the M-3 zone, subject to the provisions set forth in this Ordinance, the applicable standards and criteria set forth in Section 3.090, and the Supplemental Provisions for Estuarine and Shoreland Areas Article 5.

1. Disposal of dredged materials.
2. Non-water dependent uses may be allowed in water-dependent areas of shorelands only if these uses are temporary in nature and do not preclude timely use of the site for water dependent uses.
3. Transportation facilities essential to service water-dependent uses.

Standards and Criteria: In the M-3 zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact water-dependent, consistent with the criteria set forth in the definitions.
2. Any applicant for a use shall furnish evidence of compliance or intent to comply with all applicable permit and rule requirements of: (1) City of Reedsport; (2) The Port of Umpqua; (3) Department of Environmental Quality; (4) Division of State Lands; (5) U.S. Army Corps of Engineers; and all other agencies having interest applicable to the proposed use.
3. Dwellings for caretakers and attached single-family dwellings may be allowed in an M-3 zone if such uses are a necessary and accessory part of a water-dependent use and do not interfere with the location and operation of other water-dependent uses.

Parking Requirements: Parking and unloading shall be provided as specified in Section 4.020.

Area: Full coverage is allowable as long as parking and loading spaces and setbacks are provided.

Building Setback Requirements:

1. Front Yard: Front yards shall not be required, except where setbacks are established for road widening purposes.
2. Side Yards: Side yards shall not be required, but if side yards are required, they shall be a minimum of three (3) feet wide.
3. Rear Yard: No structural improvements, except road surfacing, shall be allowed within (10) feet of the center line of the alley.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as specified in Section 4.090.

Height: No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of fifty (50) feet in height.

Section 3.100 (PL) Public/Semipublic Lands

Purpose: To provide and preserve desirable areas for public recreational activities and a variety of public service activities.

Uses Permitted Outright: The following uses and their accessory buildings and uses are permitted, subject to provisions set forth in this Ordinance:

1. Cemeteries.
2. Churches.
3. Fairgrounds.
4. Fire prevention, detection and suppression facilities.
5. Fish and wildlife management.
6. Golf course, public and private.
7. Hospital, medical services and nursing homes.
8. Orphanages and charitable institutions.
9. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 4.020.
10. Parks, playgrounds, campgrounds, boating facilities, and other such recreational facilities.
11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
12. Public and semiprivate building structures and uses essential to the physical, social and economic welfare of the area.
13. Schools.

Uses Permitted Conditionally:

1. A single-family dwelling customarily provided in conjunction with a use permitted in this classification.
2. Country club.

3. The placement of hydroelectric, solar, wind or geothermal generation facilities, transmission lines or pipes, substations and communication facilities.

Parking Requirements: Parking shall be provided as specified in Section 4.020.

Area: Percent of coverage. Full coverage shall be allowed as long as parking and loading spaces and setbacks are required.

Height: Structure shall not exceed fifty (50) feet.

Building Setback Requirements:

1. Front Yard: No front yard shall be required.
2. Side and Rear Yards: None required, but if created they shall be a minimum of five (5) feet.

Vision Clearance: Vision clearance shall be provided as specified in Section 4.090.

Signs: Signs shall be allowed as specified in Section 4.050.

Section 3.110 (PUD) Planned Unit Development

Section 3.110 Purpose: The purpose of planned unit development approval is to allow and make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections. These provisions are intended to allow developers the freedom to design and construct projects whose objectives may be inhibited by strictly applying the provisions of this code, thereby providing more harmony with site conditions, aesthetics, economy, and similar considerations than might otherwise be possible.

The use of these provisions is dependent upon the submission of a complete and acceptable conceptual master plan accompanied by satisfactory assurances it will be carried out. Such conceptual, preliminary master plan shall conform to and be in compliance with the goals and objectives of the Comprehensive Plan.

Section 3.111 Planning Commission Approval Required: Where use is made of the planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

Section 3.112 General Requirements for Approval:

1. A planned unit development may be allowed in the following zones: R-A, R-1, and R-2.
2. Planned unit development application shall be for an area of not less than one (1) acre of residentially zoned property.
3. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone, in which a planned unit development is proposed, do not apply within a planned unit development.
4. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
5. The planned unit development may result in a density in excess of the density otherwise permitted within the underlying zone in which the planned unit development is to be constructed, not to exceed ten (10) percent, if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

An increase of over ten (10) percent but not more than twenty (20) percent, may be additionally permitted by the Planning Commission if the increase is compensated for by the provision of amenities. Examples of such amenities are: architectural design regulation, extraordinary landscaping, recreational amenities, traffic and parking regulation and provisions, protection of environmentally sensitive areas and natural resources, etc.

Section 3.113 Application: The owner or his authorized agent may make application for planned unit development approval by filing an application with and on the forms provided by the Community Development Department. The application shall be accompanied by the following:

1. A filing fee in an amount established by general resolution of the City Council.
2. Applicant shall submit the application form, appropriate fees, and ten (10) copies of a preliminary site plan and related support documents for review by the Planning Commission. The preliminary site plan drawn to scale and related support documents shall include, but not be limited to, the following information:
 - a. Proposed use, location, dimensions, height, and type of construction of all buildings. Proposed number of dwelling units if any to be located in each building.
 - b. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks and/or pedestrian ways; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein.
 - c. Proposed location and use of all open spaces including a plan for landscaping.
 - d. Proposed grading and drainage pattern.
 - e. Proposed method and plan for provision of water supply and fire hydrants, sewerage disposal, electrical facilities, solid waste disposal and street lights.
 - f. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses to the surrounding area.
 - g. Existing natural features such as trees, streams, topography.
 - h. Documentation regarding establishment of ownership and maintenance of all common space and facilities, i.e., streets, open areas, recreational facilities, recreation areas, etc.

- i. Development schedule.
- j. Site plan, showing location of immediate adjacent infrastructure, structures, fire hydrants, street lights, etc.

Section 3.114 Standards for Approval: In granting approval for a planned unit development, the Planning Commission shall seek to determine, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within twelve (12) months of the conclusion of any necessary actions by the City, or within such longer period of time as may be established by the Planning Commission.
2. The proposal conforms to the Comprehensive Plan and implementing measures of the City in terms of goals, policies, location, and general development standards.
3. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
4. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations may be warranted.
5. The project will be compatible with adjacent developments and will not adversely affect the character of the area.
6. The project will satisfactorily take care of the traffic it generates both on and off-site by means of adequate off-street parking, access points, and additional street right-of-way improvements.
7. The proposed utility and drainage facilities will be adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site.

Section 3.115 Accessory Uses in a Planned Unit Development: In addition to the accessory uses typical of the primary uses authorized in the zoning district, accessory uses approved as part of a planned unit development may include the following uses:

1. Golf Course.
2. Private park, lake or waterway.

3. Recreation area.
4. Recreation building, clubhouse or social hall.
5. Privately operated pre-schools or day nurseries.
6. Other accessory structures, which the Planning Commission finds, are designed to serve primarily the residents of the Planned Unit Development and are compatible to the design of the Planned Unit Development.

Section 3.116 Planning Commission Action:

1. Before the Planning Commission may act on an application for planned unit development, it shall hold a public hearing thereon following procedure as established in Section 12.010 through 12.060.
2. The Planning Commission may continue a public hearing in order to obtain more information or to serve further notice.
3. In taking action, the Planning Commission may approve, approve with conditions or deny an application as submitted. Any planned unit development as authorized shall be subject to all conditions imposed and shall be excepted from the other provisions of this code on to the extent specified in said authorization.
4. Any approval of a planned unit development granted hereunder shall become void if, within twelve (12) months after the final granting of approval or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has not been commenced and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.
5. In approving the conceptual, preliminary master plan for the planned unit development, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this section. These conditions may include, but are not limited to, the following:
 - a. Increasing the required setbacks.
 - b. Limiting the height of buildings.
 - c. Controlling the location and number of vehicular access points.
 - d. Establishing new streets, increasing the right-of-way or roadway width of existing streets and, in general, improving the traffic circulation system.

- e. Increasing the number of parking spaces.
 - f. Limiting the number, size, location, and lighting of signs.
 - g. Designating sites for open space and recreational development.
 - h. Requiring additional fencing, screening, and landscaping.
 - i. Requiring performance bonds to assure that the development is completed as approved within the time limit established by the Planning Commission.
 - j. Requiring that a contractual agreement be established with the city to assure development of streets, curbs, gutters, sidewalks, and water and sewer facilities to City standards.
5. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Section 10.020.

Section 3.117 Variations to be Authorized: The Planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and loading facilities, and landscaped areas not equivalent to the standards prescribed within the regulations for the zoning district within which the planned unit development is located, if the applicant has demonstrated by his design proposal that the objectives of the land development regulations and of this section will be achieved.

Section 3.118 Exception to Subdivision Regulations: When a planned unit development involves design proposals which would also necessitate the granting of exceptions to land division regulations, the Planning Commission may grant tentative approval of the proposal subject to the condition that final approval may not be granted until the applicant submits and receives approval of a tentative subdivision map in the manner prescribed by land division regulations.

Section 3.119 Violation of Conditions: The Planning Commission on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval after first holding a public hearing and giving notice of such hearing as provided in Article 12. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval.

Section 3.120 Minor Change: The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved planned unit development. The Planning Commission shall hold a public hearing to

consider the nature of the requested change, impacts the change may have on the City's services and facilities. The Commission may approve or deny the minor change.

If the change is approved it may be incorporated into the project. If it is denied, the project remains as originally approved , and the change shall not be incorporated. Applications for a minor change must be submitted with the following:

1. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.
2. A statement explaining how the proposed change related to the approved project and any impacts it may have on the project and or adjoining property holders and City services and facilities.

Section 3.140 (EN) Estuarine Natural

Purpose: The estuarine Natural Classification is intended to preserve and protect areas containing significant natural resources in the estuary. The classification provides for uses of designated natural resource areas which are consistent with the natural management unit designation of the Comprehensive Plan and its objective to protect significant habitats, biological productivity and scientific, research and educational values.

Uses Permitted Outright: In the EN zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions and standards set forth by this Ordinance.

1. Aids to navigation, such as beacons and buoys.
2. Commercial harvest of fin fish in the water column.
3. Grazing of livestock that does not require establishment of dikes, tidegates or other permanent structures.
4. Hunting and fishing.
5. Low intensity, water-dependent recreation not requiring development.
6. Maintenance of existing facilities and structures.
7. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossings support structures.
8. Passive restoration measures.
9. Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
10. Research and educational observation without permanent structures.
11. Bridge crossings.
12. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.

Uses Permitted with Standards: The following uses and activities and their accessory buildings and uses are permitted in the EN zone, subject to the provisions of this Ordinance, the applicable standards and criteria set forth in Section 3.140 and the Supplemental Provisions for Estuarine and Shoreland Areas Article 5.

1. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
2. Aquaculture and commercial harvest of benthic organisms (clams, oysters, shrimp, etc) which does not involve dredge or fill of other estuarine alteration other than incidental dredging for commercial harvest of benthic species or removable in-water structures such as stakes or racks.
3. Communication facilities.
4. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges.
5. Boat ramps and associated dredging for public use where no dredging or fill for navigational access is needed.
6. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
7. Installation of tidegates in existing functional dikes.
8. Temporary alterations.
9. Bridge crossing - support structures and dredging necessary for their installation.

Standards and Criteria: In the EN zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Article 5 Supplementary Provisions, including:
 - a. Resource capabilities of the area.
 - b. Purpose of the resource management unit as explained in Section 3.140 of this zone classification.
 - c. Other alterations of Article 5, Section 5.050.
 - d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:

- a. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges shall be permitted if such will not conflict with permitted uses in the zoned area.
- b. Riprap shall be permitted to the extent necessary to protect uses existing on June 17, 1980, and to protect natural resources and historical and archaeological values and public facilities only if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
- c. Commercial harvest of benthic organisms which disturb the bottom sediments of the water body must be limited to methods other than dredging in natural management units.
- d. Active restoration shall be consistent with the definition contained in Article 1 of this Ordinance. Proposals for active restoration shall identify the historical existence and cause of the lost or dredged estuarine resource being restored.

Section 3.150 (EC) Estuarine Conservation

Purpose: The Estuarine Conservation Classification is intended to establish and protect areas of the estuary for the long-term use of renewable resources. The classification primarily is intended to apply to areas to be managed for uses of low to moderate intensity that do not require a major alteration of the estuary. Areas included in the classification have less biological significance than areas classified as estuarine natural.

Uses Permitted Outright: In the EC zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the applicable standards and provisions set forth in this Ordinance.

1. With the exception of temporary alterations and other alterations, all uses and activities permitted outright and permitted with standards in the Estuarine Natural zone.

Uses Permitted with Standards: The following uses and activities and their accessory buildings and uses are permitted in the EC zone, subject to procedures set forth in this Ordinance, the applicable standards and criteria set forth in Section 3.150 and the Supplemental Provisions for Estuarine and Shoreland Areas Article 5.

1. Active restoration for purposes other than protection of habitat, nutrient, fish and wildlife and aesthetic resources.
2. High intensity, water-dependent recreation including:
 - a. Boat ramps, marinas and new dredging for boat ramps and marinas.
 - b. Fishing piers.
 - c. Associated dredging of above.
3. Individual or community docks.
4. Maintenance dredging of existing facilities and future marinas/moorages; boat ramps and fishing piers.
5. Minor navigational improvements including maintenance dredging of recognized channels and construction of wing dams.
6. Piling and mooring dolphins for the purpose of mooring craft, barges and log rafts.
7. Sanitary waste outfalls.

8. Storage of products and materials transported by means of estuarine waters (including logs).
9. Utilities and their support structures.
10. Other water dependent uses requiring occupation of water surface area by means other than dredge or fill.
11. Temporary alterations in support of uses permitted outright or conditionally permitted in Section 3.150.
12. Aquaculture requiring dredge or fill or other alteration of the estuary.
13. Temporary alterations.
14. Mining and mineral extraction including dredging necessary for mineral extraction.

Standards and Criteria: In an EC zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use if found to be consistent with the provisions of Article 5 Supplementary Provisions for Estuarine and Shoreland area including:
 - a. Resource capabilities of the area.
 - b. Purpose of the resource management unit as explained in Section 3.150 of this zone classification.
 - c. Other alterations test of Article 5, Section 5.050.
 - d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
 - a. High intensity water-dependent recreation, maintenance dredging of existing facilities, minor navigational improvement, mining and mineral extraction, utilities, sanitary waste outfalls, water-dependent uses requiring occupation of water surface area by means other than fill and bridge crossings shall be permitted if found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources that do not require major alteration of the estuary.

- b. Riprap and other bank-protective measures shall be permitted to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
- c. Fills may be allowed in an EC zone only as part of the following uses or activities:
 - i. Maintenance and protection of manmade structures existing as of October 7, 1977.
 - ii. Active restoration of the estuarine area if a public need is demonstrated.
 - iii. Temporary low-water bridges if an estuarine location is required, if there are no alternative locations within a "development" management unit and if adverse impacts are minimized as much as feasible.
 - iv. Aquaculture.
 - v. High intensity water-dependent recreation and minor navigational improvements if no alternative upland locations exist for the portion of the use requiring fill, and allowing the use is found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources.
 - vi. Flood and erosion-control structures, if required to protect water-dependent uses allowed in the management unit and if land use management practices and nonstructural solutions are inadequate to protect the use.
 - vii. Dredge crossing support structures if there are no alternative locations in an Estuarial Development (ED) zone and if findings required in V. above are made.
- d. Dredging for material for dike repair/maintenance may be allowed in subtidal areas within EC zones on Scholfield Creek if no alternative source of suitable material is available or the cost of obtaining and placing the material is prohibitive (cost of using alternative sources is two hundred (200) percent or more of the cost of dredging for material). An application for a permit to dredge for dike repair/maintenance shall include an evaluation of the availability and suitability of alternative sources of material including specific upland and dredged material stockpile sites and a cost comparison of using alternative sources.

- e. Dredging for dike repair/maintenance shall be carried out in such a manner that the impact on aquatic life and disruption of tide flats and marshes is minimized.
- f. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored.

Section 3.160 (ED) Estuarine Development

Purpose: The Estuarine Development Classification is intended to establish and preserve adequate area for navigation and other public, commercial and industrial water-dependent uses. This classification is intended to apply to an area designated in the Comprehensive Plan as a development management unit and to be managed for uses of high intensity which may significantly alter the estuarine resource.

Uses Permitted Outright: In the ED zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and standards set forth in this Ordinance:

1. Commercial water-dependent uses including:
 - a. Boat launch or moorage facility, marina and boat charter services.
 - b. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
2. Developed high-intensity, water-dependent recreation uses including:
 - a. Marinas and moorages.
 - b. Boat charter services.
 - c. Boat ramps and hoists.
 - d. Fishing piers.
3. Industrial water-dependent uses including:
 - a. Wharves, docks and piers.
 - b. Loading and unloading facilities.
 - c. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance.
4. Interim, temporary uses and activities which do not preclude or interfere with the future development of water-dependent uses and activities.
5. Log transport.
6. Maintenance dredging of water-dependent and other existing uses.

7. Maintenance of existing facilities and structures.
8. Irrigation channels and improvements including:
 - a. Maintenance dredging of authorized channels.
 - b. Extension of channels and turning basins to authorized depth and width.
 - c. Maintenance of jetties.
9. Public water-dependent uses including:
 - a. Aids to navigation such as beacons and buoys.
 - b. Laboratories for research of physical and biological characteristics of the estuary.
 - c. Sanitary waste outfalls.
10. Utilities.

Uses Permitted with Standards: In the ED zone, the following uses and their accessory buildings and uses may be permitted subject to the provisions of this Ordinance, applicable standards and criteria set forth in Section 3.160 and Supplementary Provisions for Estuarine and Shoreland Areas Article 5, Sec. 5.030 (applicable standards in parentheses)

1. Active restoration. (2g)
2. Dredge and fill including maintenance dredging. (2a & 2h)
3. In-water (subtidal) disposal of dredged materials. (2a-2h)
4. Laboratories for commercial research on marine/estuarine products and resources.
5. Riprap and other erosion-protective measures. (2c)
6. Storage of products and materials transported by means of estuarine waters (including logs). (2d)
7. Uses permitted in natural and conservation management units but not listed as permitted in development management units. (2e)
8. Uses shown to be water-dependent by an applicant. (2f)

9. Flow lane disposal of dredge materials. (2h)

Uses Permitted Conditionally: In the ED zone, the following uses and their accessory buildings and uses may be permitted, subject to the provisions of this Ordinance, applicable standards and criteria set forth in Section 3.160 and Supplementary Provisions of Estuarine and Shoreland Areas Article 5.

1. Bridge crossings.
2. Mining and mineral extraction, including sand and gravel.
3. Where consistent with the purpose of this management unit water related uses and non-dependent, non-related uses not requiring dredging or fill and activities listed in the Estuarine Natural and Conservation Zones including the following shall also be appropriate:
 - a. Bait and tackle shop.
 - b. Dwelling for caretaker.
 - c. Grocery store.
 - d. Houseboat.
 - e. Marine-related gift or specialty shop.
 - f. Marine supplies and equipment store.
 - g. Restaurant.
 - h. Single-family dwelling attached to a permitted or conditionally permitted use.
 - i. Storage of marine estuarine products, fishing gear and marine equipment.
 - j. Wholesale and retail market for marine/estuarine sea products.

Standards and Criteria: In an ED zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complied with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Article 5 Supplementary Provisions including:
 - a. Resource capabilities of the area.

- b. Purpose of the resource management unit, as explained in Section 3.160 of this zone classification.
 - c. Other alterations of Article 5, Section 5.050.
 - d. Special policies for specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
- a. Water-related, non-dependent and non-related uses may be allowed only if:
 - i. The site has minimum biological or recreational significance.
 - ii. The site and adjacent shorelands are not suitable or needed for water-dependent uses.
 - iii. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.
 - iv. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.
 - b. In-water disposal of dredged materials shall be permitted if found to be consistent with the dredge and fill requirements of Article 5 and the objective of providing for and maintaining navigational and other public, commercial and industrial water-dependent uses and state and federal laws.
 - c. Riprap and other bank-protective measures shall be permitted in ED zones to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
 - d. Water storage of materials or products shall be permitted in ED zones if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing facility; if there are no feasible upland alternatives; if adverse impacts are minimized as much as possible and if consistent with the objective of providing for and maintaining navigational and other water-dependent uses.
 - e. Uses permitted in natural and conservation management units, bridge crossings and mining and mineral extraction may be allowed in an ED

zone if found to be consistent with the objective or providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.

- f. Uses not listed as water-dependent in the plan or this Ordinance may be allowed in an ED zone if the applicant demonstrates that the uses meet the criteria for water-dependency contained within the definition.
- g. Proposals for active restoration shall identify the historical existence and causes of the lost or degraded estuarine resource being restored.
- h. Flow lane disposal of dredge material must be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.
- i. Other uses and activities which could alter the estuary shall only be allowed once an impact assessment is completed and once the following requirements are satisfied.
 - i. If a need (i.e., substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights and;
 - ii. If no feasible alternative upland locations exist and;
 - iii. If adverse impacts are minimized.

Section 3.170 (CS) Urban Conservation Shorelands

Purpose: The Conservation Shorelands Classification is intended to preserve and protect shoreland areas containing major freshwater marshes, significant wildlife habitat, historic and archaeological sites or having exceptional scenic or aesthetic quality due to their association with coastal waters. The classification provides for uses of these shorelands which are consistent with the objective of protecting their natural values.

Uses Permitted Outright: In the CS zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and exceptions set forth by this Ordinance.

1. Activities which maintain, enhance or restore major marshes, significant wildlife habitat, exceptional aesthetic resources or historical and archaeological sites.
2. Aids to navigation.
3. Grazing of livestock.
4. Harvesting wild crops.
5. Maintenance of dikes, culverts, roads, bridges and other existing structures.
6. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act and Forest Practices Rules administered by the Department of Forestry for the protection of coastal shoreland resource values.
7. Research and educational observation without structures.
8. Developed, low intensity, water-dependent recreation including: boat launching, fishing, hunting, wildlife observation, photography, etc.

Uses Permitted with Standards: The following uses and activities and their accessory buildings and uses are permitted in the CS zone, subject to the provisions of this Ordinance, the applicable standards and criteria set forth in Section 3.170 and the Supplementary Provisions for Estuarine and Shorelands Areas Article 5.

1. Aquaculture.
2. Communication facilities such as communication towers, support structures, utilities and pipelines.
3. Disposal of dredged material.
4. Maritime museums.

5. Public parks, historical monuments.
6. Rehabilitation of dikes, culverts, roads, bridges and other existing structures.
7. Sanitary outfalls.
8. Transportation facilities.
9. Uses and activities necessary to protect the natural or cultural resource values present in the unit.

Uses Permitted Conditionally: In the CS zone, the following uses and activities and their accessory buildings and uses may be permitted, subject to the provisions of this Ordinance, applicable standards and criteria set forth in Section 3.170 and Supplementary Provisions for Estuarine and Shorelands Areas Article 5.

1. Estuary restoration when identified in the Comprehensive Plan as a restoration site.
2. Flood and erosion-preventive measures.
3. One single-family dwelling on a lot of record, as defined in Section 1.020 of this Ordinance, when compatible with the objectives and implementation standards of the Coastal Resources Element of the Plan.

Standards and Criteria: In the CS zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria.

1. Utilities, public communication facilities and aquaculture shall be permitted only if found to be consistent with the resource capabilities of the area and if there is no conflict with uses listed as permitted.
2. Transportation facilities, sanitary outfalls, disposal of dredged material, public parks, historical monuments and maritime museums shall be permitted only in urban shoreland areas and only when consistent with existing resources and use.
3. Structures allowed shall not have a long term negative effect on the natural and cultural resource values being protected.

Property Development Standards:

1. Area - No standard established.

2. Setbacks:

- a. Front Yard: No structure shall be located closer than thirty (30) feet from the front property line.
- b. Side Yard: No structure shall be located closer than ten (10) feet from side property line.
- c. Rear Yard: No structure shall be located closer than ten (10) feet from rear property lines.

Section 3.180 (AR) Agricultural Resource

Purpose: To provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities.

Uses Permitted Outright: In an AR zone, the following uses and their accessory uses are permitted outright:

1. Buildings and structures necessary to the uses listed below.
2. Farm uses.
3. Fire prevention, detection and suppression facilities.
4. Fish and wildlife management.
5. Forest management.
6. Home occupations as per Section 4.040.
7. Nursery for the culture, sale and display of trees, shrubs and flowers.
8. Buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers.
9. Publicly owned facilities such as parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities.
10. Single family dwellings customarily provided in conjunction with a use permitted in this classification, providing that a minimum average density of ten (10) acres per dwelling shall be maintained.
11. The development of water impoundments and canals.
12. Other uses later deemed by Planning Commission to be conditional.

Uses Permitted Conditionally:

1. Beekeeping.
2. Use or keeping of animals other than livestock, excluding swine which are prohibited.

Lot Size: The minimum lot area shall be ten (10) acres.

Building Setback Requirements: No structure other than a fence or sign shall be located closer than thirty (30) feet from the right-of-way of a public road and ten (10) feet from all other property lines.

Height: No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed fifty (50) feet .

ARTICLE 4 - SPECIAL PROVISIONS AND REGULATIONS

Section 4.010 Flood Hazard Area

Purpose: To promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money and costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
6. To help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging and other development which may increase flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Area of Shallow Flooding: A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always include the letters A or V.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as "100 year flood." Designation on maps always includes the letter A or V.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

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 located within the area of special flood hazard.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, and/or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: 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.

Floodway: 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.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or floor 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 found at Section 4.010.

Habitable Floor: Any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

New Mobile Home Park or Mobile Home Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this Ordinance.

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 slabs 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 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.

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

Substantial damage: 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 Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

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

The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state Inventory of Historic Places.

Variance: A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

General Provisions:

1. **Lands to which this Ordinance Applies:** This section shall apply to all areas of special flood hazards within the jurisdiction of the City of Reedsport.
2. **Basis for Establishing the Areas of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "the Flood Insurance Study for the City of Reedsport, Oregon," dated April 3, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Reedsport City Hall, 451 Winchester Avenue, Reedsport, Oregon.

3. Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.
4. Abrogation and Greater Restrictions: This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this section, Ordinance, and other Ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Interpretation: In the interpretation and application of this Ordinance, all provisions shall be:
 - a. Considered as minimum requirements.
 - b. Liberally construed in favor of the governing body.
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
6. Warning and Disclaimer of Liability: The degree of flood protection required by this section is considered reasonable for regularity purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of City of Reedsport, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

Administration:

1. Establishment of a Development Permit: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 4.010. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all other development including fill and other activities, also as set forth in the "definitions". Application for a development permit shall be made on forms furnished by the Planning Department 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 for the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor, (including basement), of all structures.
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed.
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.010.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Designation of the Administrator: The Community Development Planner and/or Building Inspector is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
3. Duties and Responsibilities of the Administrator: duties of the Administrator shall include, but are not limited to:
 - a. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 4.010 are met.
4. Use of other Base Flood Data: When base flood data has not been provided in accordance with Section 4.010, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 4.010, Specific Standards, Residential Construction, Nonresidential Construction and Floodways.
5. Information to be Obtained and Maintained: The Building Inspector shall:
 - a. When base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.010, obtain and record the actual elevation, (in relation to mean sea level), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- b. For all new or substantially improved floodproofed structures:
 - i. Verify and record the actual elevation, (in relation to mean sea level).
 - ii. Maintain the floodproofing certifications required in Section 4.010.
 - c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
6. Alteration of Watercourses: The Community Development Planner_ shall:
- a. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the floor carrying capacity is not diminished.
7. Interpretation of Flood Insurance Rate Map: The Community Development Planner shall make interpretations where needed as to exact locations of the boundaries of the areas of special flood hazards. (For example, if there appears to be a conflict between a mapped boundary and actual field conditions.)

Provisions for Flood Hazard Reduction:

1. General Standards: In all areas of special flood hazards, the following standards are required:
- a. Anchoring
 - i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - ii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
 - b. Construction Materials and Methods

- i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. Utilities
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - d. Subdivision Proposals
 - i. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - ii. All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage.
 - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.
 - e. Review of Building Permits: Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (Section 4.010), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes 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.

2. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.010 Basis for Establishing the Areas of Special Flood Hazard or Section 4.010 Use of Other Base Flood Data, the following provisions are required:

a. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above base flood elevation.

Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of 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:

- i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with a utility and sanitary facilities, shall:

- i. Be floodproofed 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 standards of practice for meeting provisions of this subsection are based

on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official.

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.010.
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- c. All manufactured homes that are to be placed or substantially improved within Zones A1-A30, AH, and AE on Reedsport's FIRM on sites:
- i. Outside of a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on Reedsport's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

- i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or
- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

Floodways: Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If section 4.010 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4.010, Provisions for Flood Hazard Reduction.

Variance Procedure:

1. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of the flood hazard provisions of this Ordinance. The Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. Upon consideration of the foregoing factors and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 3. The Community Development Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
 4. Conditions for 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, providing items in Paragraph 1 have been fully considered. 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 Place or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;

- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. 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.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely population residential neighborhoods. As such variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential and comply with other variance criteria.
- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 4.020 Parking and Loading

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area necessary to the functioning of the particular use but shall exclude restrooms, hallways and storage areas. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

1. Design and improvement requirements for parking lots:
 - a. All parking areas and driveway approaches other than residential shall have a hard surface such as asphalt or concrete. Residential driveway approaches shall have a hard surface such as asphalt or concrete for a minimum distance of 15 feet back from the curb. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall require grading plan approval from the City Engineer.
 - b. Parking areas for other than single and two-family dwellings shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.
 - c. 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 adjacent property or a public right-of-way.
 - d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 - e. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.
 - f. Standard parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet. Spaces for compact cars shall be a minimum of eight (8) feet by sixteen (16) feet.
 - g. No more than twenty-five (25) percent of spaces required for a structure or use shall be sized for compact cars.
 - h. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Community Development Planner.
 - i. Accessible parking spaces shall be required in accordance with ORS 447.210 to 447.280.

2. Off-street parking spaces for all uses shall be located on the same lot as the use they serve. If the lot size is inadequate, the owner may obtain the required off-street parking spaces through purchase, lease or a joint agreement with another landowner provided that:
 - a. The parking facility is located in the same or less restricted use zone.
 - b. The parking facility shall be no further than four hundred (400) feet from the building or use required to have the parking facility.
 - c. Substantial written proof of a lease or a joint use agreement be presented to the City Manager. In the event of a joint agreement, owners of two (2) or more uses, structures or parcels of land may agree to use the same parking spaces jointly, provided the hours of operation do not overlap.
3. Credit may be given for required off-street spaces if a public parking lot is within 400 feet of the proposed use and only if it has been determined by the City Manager or his designee that no other alternatives exist to provide the required spaces on site.
4. The provision and maintenance of off-street parking spaces and landscape are continuing obligations of the property owner. No building, zoning or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this Ordinance.
5. Should the owner or occupant of a lot or building change or increase the use to which the lot or building is put, thereby increasing by more than two (2) spaces the number of spaces needed to meet the requirements of the Ordinance, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking is provided.
6. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
7. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use and shall not be used for sale, repair or servicing of any vehicle.
8. In any residential district, all off-street motor vehicles incapable of movement under their own power, (except in an emergency), shall be stored in a garage, carport or completely screened place.
9. Space requirements for parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building excluding restrooms, hallways, and storage areas.

<u>Use</u>	<u>Space Requirement</u>
Residential:	
a. Single-family and two-family dwelling	2 spaces per dwelling unit
b. Multiple-family dwelling	3 spaces per 2 dwelling units
c. Motel or hotel	1 space per guest room and 1 additional space for the owner or manager
d. Mobile home park	2 spaces per dwelling unit and 1 guest space for each 5 mobile home spaces
Institutional:	
e. Hospital, nursing home	1 space per 2 beds
f. Retirement center	1 space per 2 dwelling units
g. Assisted living facility	1 space per 2 dwelling units
Places of Assembly:	
h. Church	1 space for 4 seats or every 8 feet of bench length in the main auditorium or 1 space per 50 square feet of floor area in main auditorium if there is no fixed seating
i. Library, reading room, museum, and art gallery	1 space per 400 square feet of floor area plus 1 space per employee
j. Preschool, nursery, kindergarten, child care center	2 spaces per teacher; plus off-street loading and unloading facility
k. Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the main auditorium, whichever is greater
l. High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4

seats or 8 feet of bench length in the main auditorium, whichever is greater

- m. Other auditorium, lodges
1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating

Commercial:

- n. Stadium, arena, theater
1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating
- o. Bowling alley
5 spaces per alley plus 1 space per 2 employees
- p. Dance hall, skating rink
1 space per 100 square feet of floor area plus 1 space per 2 employees
- q. Retail store except as (b) of this section
1 space per 200 square feet of floor area, plus 1 space per employee
- r. Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture
1 space per 600 square feet of floor area plus 1 space per employee
- s. Bank, office (except medical and dental)
1 space per 600 square feet of floor area plus 1 space per employee
- t. Medical and dental clinic
1 space per 300 square feet of floor area plus 1 space per employee
- u. Eating or drinking establishment
1 space per 100 square feet of floor area
- v. Mortuaries
1 space per 4 seats or every 8 feet of bench length in chapels, or 1 space for each 50 square feet of chapel area if there is no fixed seating

Industrial:

- w. Storage warehouse, manufacturing establishment, rail or trucking freight terminal 1 space per employee
 - x. Wholesale establishment 2 spaces per employee plus 1 space per 700 square feet of patron serving area
 - y. Sports, health and indoor recreation facilities 1 space per 300 square feet
 - z. Outdoor recreation Subject to site plan review
10. Other uses not specifically listed above shall be determined by Community Development Planner and such determination shall be based upon the requirements for the most comparable building or uses specified herein. A decision of the director may be appealed to the Planning Commission.
11. An engineered plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a building permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:
- a. Access to streets, alleys and properties to be served.
 - b. Circulation area necessary to serve spaces.
 - c. Curb cuts.
 - d. Delineation of individual parking spaces.
 - e. Delineations of all structures or other obstacles to parking and circulation on the site.
 - f. Dimensions, continuity and substance of screening.
 - g. Grading, drainage, surfacing and subgrading details.
 - h. Specifications as to signs and bumper guards.
12. Off-Street Loading:
- a. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
 - b. Merchandise, Materials or Supplies: Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If

loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

- c. Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross area of at least 10,000 square feet shall provide and maintain at least one (1) off-street loading space plus one (1) additional off-street loading space for each additional 20,000 square feet of gross floor area. Each loading space shall be not less than ten (10) feet wide, twenty-five (25) feet in length with 14 feet of height clearance.
13. The provisions and maintenance of off-street parking and loading spaces shall be continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.
 14. Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

Section 4.030 Service Stations (This section eliminated 9-9-96)

Section 4.040 Home Occupation

Home occupations are limited to those uses which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

1. Home occupations are permitted accessory uses in residential zones in accordance with the following standards:
 - a. The home occupation shall be secondary to the main use of the dwelling as a residence.
 - b. All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
 - c. The home occupation shall be limited to either a pre-existing garage or accessory structure of not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over five hundred (500) square feet of floor area.
 - d. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
 - e. No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed on the premises.
 - f. No window display and no sample commodities displayed outside the dwelling shall be allowed.
 - g. One (1) unlighted sign not exceeding four (4) square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, placed in a window of the building, or if detached from the building, shall not be located in a required front or street side yard. The sign shall identify only the name and occupation of the resident.
 - h. Deliveries to the home occupation shall be made only by vehicles normally associated with residential delivery service such as UPS, Federal Express, US Postal Service, and similar vehicles.

- i. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
 - j. No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed.
 - k. No class size of a special education school shall exceed four (4) pupils at any given time.
 - l. The renting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither or whom is a transient.
 - m. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.
 - n. There shall be no outside storage of any kind related to the home occupation.
 - o. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity that require delivery by a commercial vehicle or trailer.
2. All applications for home occupations shall be reviewed and an inspection made of the property by the planning staff to verify compliance with the necessary criteria and conditions established in this Ordinance. The application may be processed as a ministerial decision and approved by the Planner.
 3. At any such time after approval of the application, the Planning Staff has cause to question the applicant's compliance with the criteria and conditions set forth in this Ordinance, the matter shall be referred to the Planning Commission for review.
 4. The Planning Commission may void any home occupation for noncompliance with the criteria and conditions set forth in this Ordinance.
 5. A City business license shall be required for all approved home occupations.

Section 4.050 Signs

Purpose: The provisions of this section are intended to provide an orderly process governing sign placement, alteration, and design; establish clear and concise definitions of types of signs; and provide uniform sign standards and fair and equal treatment of sign users.

Sign Permits: A sign permit is required for the erection of any new sign or the structural alteration of an existing sign, except those signs that are classified exempt (non-regulated or temporary) in this Ordinance. Application shall be made on forms furnished by the City.

Permits shall be issued only to the sign contractor, the owner, or authorized agent of owner of the business or property.

Regulated/Permitted Signs:

1. Animated Sign
2. Awning/canopy
3. Bulletin/Reader Boards (non-moving)
4. Electronic Reader/Message Boards (intermittent movement).
5. Free Standing Sign
6. Marquee Sign
7. Mural Signs
8. Nameplate Signs
9. Nonconforming Sign
10. Off-premise Signs
11. Outside Wall Sign
12. Permanent Banners/Flags (attraction devices)
13. Projecting Sign
14. Suspended Signs

Non-Regulated Signs:

1. Flags
2. Incidental Signs (no parking, emergency, loading, telephone, restrooms, directional and informational for public facilities, traffic, etc.)
3. Interior Signs
4. Interpretive Signs
5. Memorial Signs and Plaques
6. On premises holiday decorations (in season)
7. Temporary Window Signs (i.e. sales, specials, etc.)
8. Time and Temperature
9. Menu Signs (under 48 sq. ft.)
10. Window signage

Temporary Signs:

1. Attraction Device Signs (i.e. clusters of pinwheels, pennants, balloons, kites etc.)
2. Banners
3. Construction Signs
4. Garage Sale Signs
5. Out of Business Signs
6. Political Signs
7. Public Event Signs
8. Real Estate Signs (i.e. for sale, sale pending, etc.)
9. Special Sale or Message Sign.
10. Special Event Signs

Prohibited Signs:

1. Billboards
2. Electronic Reader/ Message Board (continuous movement).
3. Moving and flashing signs and/or devices (other than emergency or traffic safety oriented).
4. Obscene or Indecent Signs
5. Signs that create vision obstruction
6. Signs Interfering with Traffic
7. Vehicles used as signs
8. Roof signs as defined in this Ordinance (other than qualified nonconforming signs)

Sign Definitions:

Animated Sign: Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

Attraction Device Sign: Any device intended to draw attention to a specific activity, i.e., banners, balloons, kites, lights, pennants, etc.

Awning/Canopy: Any structure made of cloth, metal, vinyl, or similar material with a metal frame attached to a building and projecting over a public way or entrance.

Awning/Canopy Sign: Any sign where the name/message/image is incorporated into the awning.

Billboards: A free standing sign which has a single face greater than 200 square feet in area.

Bulletin/Reader Boards: A sign so designed that the message may be changed by the removal or addition of specially designed letters that attach to the face of the sign.

Electronic Reader/Message Boards (Intermittent Movement): A sign on which the only movement is a periodic automatic change of message on a lampbank, use of fiber optics or through mechanical means.

Electronic Reader/Message Board (Continuous Movement): Any sign that displays a message in continuous movement.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Free Standing Sign: A sign which is attached to or a part of a completely self-supporting structure. The supporting structure (i.e. pole) shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

Incidental Sign: A sign generally informational that has a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Interior Signs: Any sign on the inside of a building not intended to be seen from outside.

Interpretive Sign: A non-commercial sign that conveys an educational message.

Mansard: A roof having two slopes on all sides with the lower slope steeper than the upper one.

Mansard Sign: Any sign attached to and made part of a mansard.

Marquee: A permanent roofed structure attached to and supported by the building, and projecting over public access.

Marquee Sign: Any sign attached to and made part of a marquee.

Menu Sign: Outdoor sign advertising bill of fare and prices for restaurants with drive-through windows.

Moving/Flashing Sign: (Other than emergency type sign). A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which can change color or intensity of illumination. Does not include electronic message centers with intermittent movement.

Mural: A painted wall highlight or painted wall decoration intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. A mural is absent any message, and/or business identification.

Mural Signs: A mural as described above with the added feature of a message, business identification and/or lettering. (See General Requirements).

Name Plate Sign: Non-illuminated, single-faced, wall mounted name plates indicating only the name, address, and occupation of the occupant.

Nonconforming Sign: A sign existing at the effective date of the adoption of this Ordinance which could not be built under the terms of this ordinance.

Obscene or Indecent Signs: Any sign displaying obscenity, nudity, sex etc. in violation of State ORS Chapter 167.

Off-Premise Sign: Any sign placed at a site other than the location of where the activity the sign advertises takes place.

Outside Wall Sign: Any sign attached to, erected against, or painted on the wall of a building or on the face of a marquee with the face in a parallel plane of the structure to which it is attached.

Portable Sign: Any mobile or portable sign or sign structure not securely attached to the ground or to any other structure. (i.e. sandwich board signs).

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

Temporary Sign: Any sign including sandwich boards, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time only.

Vehicle Sign: Signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.

Vehicle Used As A Sign: Primary use of vehicle is as a sign rather than transportation.

Window Sign: Any sign, pictures, symbol, message, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

General Sign Requirements:

1. Abandoned Signs

Except as otherwise provided in this section, any sign that is located on property which becomes vacant and is unoccupied for a period of three months, or any sign which pertains to a time, event, product or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner or agent of the owner of the sign and/or premises.

An extension of time for removal of signage of an abandoned business may be granted by the Planning Commission upon request filed by the legal owner or agent of the owner of the premises or the person in control of the business.

2. Awning/Canopy Signs

Only the square footage of the actual name/message/logo will be calculated as sign area based on the length of the longest message line and by the distance between the top and bottom message line.

3. Business License

No person shall engage in the business of hanging, rehangng, placing, constructing, installing or structurally altering, or relocating any sign except signs exempted in this ordinance without first having obtained a City business license.

4. Double Frontage

Buildings which contain frontage on two parallel arterial streets or on an arterial street and a waterway, shall be entitled to the maximum allowed sign area for each street frontage.

5. Maintenance

All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces and vegetation surrounding all signs shall be kept in a neat appearance.

6. Materials

A sign subject to a permit shall meet the material and construction method requirements of the State of Oregon Uniform Sign Code and/or the Uniform Building Code.

7. Maximum Height

The maximum height of all signs shall be no greater than 30 feet above ground level.

8. Mural Signs

Mural signs will be calculated by the length of the longest message line and the height of the top and bottom lines to determine square footage.

9. Nonconforming Signs

- a. Non-conforming signs are those signs lawfully installed prior to the effective date of the September 9, 1996 Revised Sign Code or signs on property annexed to the City which do not conform to the requirements of this amended ordinance.
- b. Non-conforming signs shall not be changed, expanded, or altered in any manner which would increase the degree of its non-conformity, or be moved in whole or in part to any other location where it would remain non-conforming. (See Maintenance)
- c. Prohibited signs existing prior to adoption of this ordinance, advertising current business or use, will be considered non-conforming.
- d. Termination by damage or destruction: Any non-conforming sign and supporting structure damaged or destroyed by any means, to the extent of 50% of its replacement cost (new) shall be terminated and shall not be restored.

10. Off Premise Signs

Off premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be placed.

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this ordinance without the approval of a variance.

11. Sign Placement

Signs or sign supporting structures shall not be located in such a manner as to create a vision obstruction to vehicular or pedestrian traffic or to other traffic, safety, or emergency signs.

Signs or portions thereof shall not be so placed as to obstruct any fire escape or human exit from any portion of a building or ventilation.

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

All signs must be located on the same property on which the business activity is taking place, unless there is an approved variance for the off premises sign

Sign structures shall not be placed on the roof of a building, except as defined in this ordinance. (See definition of roof sign.)

12. **Temporary Signs**

All temporary signs listed within this ordinance shall be removed within 60 days after placement or within 7 days after the election, project, sale of property or event being advertised.

13. **Unsafe Signs**

No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the building official shall find any sign so unsafe or insecure as to constitute a real and present danger to the public, a written notice shall be mailed to the last known address of the sign owner and the property owner. If such is not removed or altered so as to comply with the standards herein within thirty (30) days after such notice, the building official may cause such sign to be removed or altered to comply, at the expense of the sign owner or the property owner of the property upon which it is located. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

Residential Sign Standards:

The following standards shall apply to signs in all residential zones.

No signage is allowed in residential zones except as follows and for those services only if properly allowed or legally offered on the premises:

1. The total square footage of temporary signs is limited to eight (8) square feet and shall be subject to general requirements as stated in this ordinance.
2. One (1) nameplate not exceeding four (4) square feet in area as provided for under Section 4.040 for home occupation uses.
3. One (1) lighted identification sign (excluding illuminated signs of flashing or animated type) not to exceed 32 square feet per street frontage.
(Note: this requirement would include church, school, subdivision, mobile home park, bed and breakfast, and apartment complex signs).
4. Free standing signs in residential zones shall not exceed 10 feet in height.
5. One (1) nameplate not exceeding one and one-half (1-1/2) square feet for each dwelling unit indicating the name of occupant and/or site address.

Commercial and Industrial Sign Standards:

C-1 (Commercial Transitional) Zone

Commercial Transitional zone is a mix of residential uses with limited commercial land uses. The zone is intended to serve local neighborhood needs rather than provide full commercial services for the entire community.

Signs shall pertain solely to uses permitted and conducted within the zone in which it is located and shall be attached to the building within which such use is conducted or attached to the ground of the parcel of land on which such use is conducted.

1. The total square footage of temporary signs is limited to 8 square feet and shall be subject to general requirements as stated in this ordinance.
2. One (1) identification sign (excluding illuminated signs of flashing or animated type) not to exceed 32 square feet of sign area per street frontage.

Commercial (C-2), Light Industrial (M-1), Heavy Industrial (M-2), Water Dependent Industrial (M-3), Public/Semi-Public (PL) and Estuarine Development (ED) Zones

1. Interior Lots:

The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right of way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one half (1.5) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed 150 square feet and all businesses shall be allowed a minimum of 50 square feet regardless of the amount of frontage.

2. Corner Lots or Double Frontages:

Primary frontage - The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right of way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one half (1.5) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed 150 square feet and all businesses shall be allowed a minimum of 50 square feet regardless of the amount of frontage.

Secondary frontage - The total aggregate area of all regulated (excluding temporary) signs shall not exceed 50% of allowed formulated signage on primary frontage.

Primary and secondary frontages shall be designated by the applicant.

Shopping centers- Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right of way or parking lot. In addition the shopping center shall be allowed one free standing sign (not to exceed 150 square feet), which shall identify the center itself and may also identify businesses in the center.

3. For purposes of this Ordinance, the area of a sign shall be the maximum area of surface which can be seen at one time from a single point of observation.
4. The total square footage of temporary signs is limited to sixteen (16) square feet and shall be subject to general requirements as stated in this ordinance.

Permit Application Requirements:

A sign permit is required for the erection of any new sign or the structural alteration of an existing sign. Signs that are classified exempt (non regulated or temporary), changes to the sign face or non structural maintenance of a sign are exempt from a sign permit.

1. A sign permit review fee shall be \$10.00 for all regulated signs unless a building permit is required for a structural sign, in which case, the fee shall be as indicated by Uniform Building Code, or separate ordinance.
2. All applications for a sign shall be accompanied by a site plan that will show type of sign, size of sign, location of sign, and materials to be used.
3. Application form will be supplied by City and will require the following:
 - a. Name, address, and telephone number of the applicant.

- b. Name of person, firm, corporation, or association erecting the structure.
 - c. Name of owner of the building, structure of land on which the sign will be placed.
4. All sign permits shall be required to have signed approval by the Community Development Planner and City Building Inspector.
 5. All permits must have a site review before and after by City staff and/or Building Inspector.

Section 4.060 Mobile Home and Recreational Vehicle Parks

Mobile home and recreational vehicle parks may be permitted in certain zones as a conditional use, provided it meets the requirements of Oregon Revised Statutes Chapter 446 and the standards of the Building Codes Division of the State of Oregon Department of Commerce and the Health Division of the State of Oregon Department of Human Resources.

Section 4.070 Levee Limitations

Levee and flood wall design and encroachment shall be consistent with the standards and procedures of the U.S. Army Corps of Engineers.

Section 4.080 Fences, Hedges, Walls and Screening

Residential Area:

1. Any view-obscuring fence, wall, hedge or screening located in the required front yard or the required street side yard shall not exceed two and one-half (2-1/2) feet in height measured from the top of curb or existing street centerline grade where no curb exists.
2. Any non-view-obscuring fence, wall, hedge or screening located in the required front or required street side yard shall not exceed three and one-half (3-1/2) feet in height measured from the top of curb or existing street centerline grade where no curb exists.
3. No fence, wall, hedge or screening which serves as a side and rear yard enclosure shall exceed six (6) feet in height.

Commercial and Industrial Areas:

Fences or walls not to exceed eight (8) feet in height may be located in any yard except where the requirements of vision clearance apply.

General:

1. No person shall install, maintain or operate any electric fence along a sidewalk or public way or along the adjoining property line of another person.
2. No person shall construct or maintain any barbed wire fence unless such fence is used for agricultural purposes or unless the barbed wire is placed above the top of a non barbed-wire fence which is not less than six (6) feet in height.
3. No fence, wall, hedge, screen or landscaping appurtenances shall be planted or constructed within the public right-of-way in a manner or location that will be detrimental or hazardous to the public or that will interfere with or violate the

vision clearance requirements established for corner lots in Section 4.090 of this Ordinance.

4. Screening shall exclude natural vegetation except under Section 4.090 or where it may cause vision obstruction or safety hazard.

Section 4.090 Vision Clearance

Establishment of Clear Vision Areas:

In all zones a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

Measurement of Clear Vision Areas:

A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish clear vision areas:

R-1	15 feet on streets	7-1/2 feet on alleys
R-2	15 feet on streets	7-1/2 feet on alleys
R-A	20 feet on streets	7-1/2 feet on alleys
C-1	15 feet on streets	7-1/2 feet on alleys

C-2, C-3: Vision clearance for corner lots on streets with widths of less than sixty-six (66) feet shall be a minimum of one (1) foot vision clearance for each foot of street width under sixty-six (66) feet; provided that a vision clearance of more than ten (10) feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight (8) feet.

M-1, M-2, M-3: Vision clearance shall be negotiated upon the submittal of a plot plan for corner building sites with Planning Commission.

Exceptions:

The foregoing provision shall not apply to public utility poles, trees (trimmed to the trunk, to a line at least eight (8) feet above the level of the intersection), saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to permanent buildings existing on the date this Ordinance becomes effective; official warning signs or signals; places where the

contour of the ground is such that there can be no cross visibility at the intersection; or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined in the preceding section.

Section 4.100 Building Heights

1. Height limits established for the various zones refer to height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.
2. On lots sloping down hill from the street, buildings may have an additional story, provided that the ceiling of the lowest story is not more than two (2) feet above the average curb level along the front of the lot.

Section 4.110 Building Setbacks

Front Yard:

1. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half (3-1/2) feet high may be built within a front yard.
2. When the master road plan or zoning plan indicates that a street is to be opened or widened, the setbacks required shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise.
3. Setbacks from half dedications of streets: When a subdivision plat has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-width dedicated streets, but not within the subdivided tract, shall be a minimum of the required setbacks for the zone in which it is located and not less than thirty (30) feet nor less than the width of the half dedication of the street.

Side Yard:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than thirty-six (36) inches.

2. When the master road plan or zoning plan indicates that a street is to be opened or widened, the side yard setback required along a side street shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise.

Section 4.120 Access

Every lot shall abut a public street, other than an alley, for at least twenty-five (25) feet.

Section 4.130 Historical Resources

The purpose of this Historical Resources Section is to implement the resource goals and policies of the Reedsport Comprehensive Plan.

Designation of Historic Resources: In order to qualify as a site, structure or object having historical significance under the provisions of this Ordinance, it must be recommended for such status by the State Advisory Committee on Historic Preservation, and if it is not proposed by the landowner, it must meet the standards and criteria of the National Register of Historic Places. If it is a structure, it must meet the following additional standards:

1. It was used for an activity or was the site of events having important historic significance; or it contains unique architectural features of historic significance or was designed by a person whose work has influenced architectural design on a national, statewide or regional basis.
2. The historical significance must have existed for at least fifty (50) years.
3. There must not have been any significant alteration in the design or architectural features of the structure since it acquired historical significance.
4. The historical significance must relate directly to the site, structure or object, rather than being associated with or in the proximity of a historic event, property or person.

Authorization to Grant or Deny Alterations or Demolition of Historical Buildings: The Planning Commission may authorize the alteration, moving, renovation, demolition or change of use of any site, structure or object which has been determined by the City Council to have local, regional, statewide or national significance.

Circumstances for Granting a Permit: Whenever application shall be made for the alteration, moving, renovation, demolition or change of use of any historical site, and before any permit shall be issued, the following procedures shall be taken:

1. The applicant for a permit shall present to the Community Development Planner, information concerning the proposed action, and the Community Development Planner shall make findings and recommendations to the City Planning commission which shall include the following:
 - a. Whether the site, structure or object has maintained the characteristics for historic significance.

- b. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.
 - c. Whether historical significance will be substantially affected by the proposed change.
 - d. Whether the financial or other hardship to the owner in preserving the historical significance is outweighed by the public interest in preserving historic values.
 - e. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out.
 - f. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences on the public and private interests involved.
 - g. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Commission.
2. After receiving a report from the Community Development Planner, the City Planning Commission shall hold a hearing after not less than twenty (20) days written notice mailed or delivered to the affected property owners
3. The City Planning Commission shall receive evidence concerning the issuance of the permit and it shall make a determination of the matter, which may include determination that historic significance no longer exists, that the interests of the owner outweigh the public interest involved, that historic values can be preserved by issuing the permit either with or without conditions, or that compensation should be awarded to the owner for losses sustained in preserving historic values. The Planning Commission may recess the hearing to a specific time prior to making its decision.

Section 4.140 Steep Slope Hazards

The purpose of this Steep Slope Hazard Section is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous areas is appropriately planned to minimize the threat to man's life and property.

For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks.

This section shall be applied to areas identified as subject to steep slope hazards by the Reedsport Comprehensive Plan. Prior to any development, the following measures shall be utilized:

1. Any proposed development on slopes greater than twenty (20) percent shall be reviewed to ensure site suitability. Such review shall be conducted as part of the building permit approval process. Unless the site is identified as a hazard area, the provisions of the Uniform Building Code, as adopted by the City of Reedsport for protection of the public health, safety and welfare, shall govern.
2. Any proposed development in an identified hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
3. Conditions may be imposed at the time of approval to ensure site and area stability and may include, but are not limited, to the following:
 - a. Maintenance of vegetation and avoidance of widespread destruction of vegetation.
 - b. Careful design of new roads and building with respect to:
 - i. Placement of roads and structures on the surface topography.
 - ii. Surface drainage on and around the site.
 - iii. Drainage from buildings and road surfaces.
 - iv. Placement of septic tank seepage fields.
- c. Careful construction of roads and buildings:

- i. Avoid cutting toeslopes of slump blocks.
- ii. Careful grading around the site, especially avoiding oversteepened cut banks.
- iii. Revegetation of disturbed areas as soon as possible.

Section 4.150 Dredge Spoils and Mitigation Sites

Areas identified in the Reedsport Comprehensive Plan as dredge spoils and mitigation sites shall be protected and managed for that identified use.

SECTION 4.160 SIGNIFICANT NATURAL RESOURCES OVERLAY ZONE

I. PURPOSE

The Significant Natural Resources Overlay Zone is intended to provide protection for identified significant natural resources within the City of Reedsport as designated under Statewide Planning Goal 5 and Goal 17. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors under Goal 5, and Major Marshes and Riparian Vegetation under Goal 17. These resources have been inventoried within the City of Reedsport according to procedures, standards and definitions established under Goal 5 and Goal 17 and are identified on the Significant Natural Resources Map as adopted in the Comprehensive Plan.

The Significant Natural Resources Overlay Zone is intended to ensure reasonable economic use of property while protecting valuable natural resources within the City of Reedsport's Urban Growth Boundary. This ordinance establishes clear and objective standards to protect these resources.

Significant wetlands and riparian areas provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; provide hydrologic control of floodwaters; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

II. DEFINITIONS

Bankfull Stage: The elevation at which water overflows the natural banks of the stream.

Bioengineering; A method of erosion control and landscape restoration using live plants, such as willows.

Building Envelope: The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

Delineation: An analysis of a resource by a qualified professional that

determines its boundary according to an approved methodology.

Excavation: Removal of organic or inorganic material (e.g. soil, sand, Sediment, muck) by human action.

Fill: Deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.

Impervious Surface: Any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

Lawn: Grass or similar materials usually maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Major Marsh: A wetland designated as significant under Statewide Planning Goal 17.

Mitigation: A means of compensating for impacts to a Significant Natural Resource or its buffer including: restoration, creation, or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed.

Native Vegetation: Plants identified as naturally occurring and historically found within the City of Reedsport.

Natural Resource Enhancement: A modification of a natural resource to improve its quality.

Natural Resource Overlay: Designation given to all Significant Wetlands and Riparian Corridors indicated on the Significant Natural Resources Map.

Non-conforming: A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

Non-Significant Wetland: A wetland mapped on the City of Reedsport Local Wetlands Inventory which does not meet the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July, 1996 or as amended), for Identifying Significant Wetlands. For additional criteria information please refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

Qualified Professional: An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

Review Authority: The City of Reedsport

Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. For purposes of this ordinance, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

Riparian Corridor: Goal 5 Resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. For purposes of this ordinance, riparian corridors are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

Riparian Boundary: An imaginary line that is a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The City of Reedsport has adopted safe harbor setback methodology for identification.

Shrubs: Woody vegetation usually greater than 3 feet but less than 20 feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.

Significant Natural Resource: Significant Wetlands and Riparian Corridors, Major Marshes and Significant Riparian Vegetation within the City of Reedsport Urban Growth Boundary and designated on the Significant Natural Resources Map.

Significant Wetland: A wetland mapped on the City of Reedsport *Local Wetlands Inventory* which meets the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July 1996, or as amended), for Identifying Significant Wetlands. For additional criteria information refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

State and Federal Natural Resource Agency: Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and Department of Environmental Quality.

Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. For purposes of this ordinance, streams are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

Structure: A building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Substantial Improvement: 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:

- (a) Before the improvement or repair is started, or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Trees: A woody plant 5 inches or greater in diameter at breast height and 20 feet or taller.

Top of Bank: A distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the bankfull stage (the elevation at which water overflows the natural banks) of the stream.

Variance: A grant of relief from the requirements of this ordinance which permits activity in a manner that would otherwise be prohibited by this ordinance.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota. For purposes of this ordinance, wetlands are identified on the Significant Natural Resource Overlay

Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

Wetland Boundary: The edges of a wetland as delineated by a qualified professional.

II. APPLICABILITY

A. Affected Property

The procedures and requirements of the Significant Natural Resources(SNR) Overlay Zone:

- (a) apply to any parcel designated as having a Significant Natural Resource as mapped in the comprehensive plan;
- (b) apply in addition to the standards of the property's underlying zone;
- (c) supercede the property's underlying zone where the underlying zone does not provide the level of Significant Natural Resource protection afforded by the SNR Overlay Zone.

B. Activities Subject to Review

Activities subject to the review shall include all development on properties outlined in III.A. and not specifically exempted from review as outlined in Section III.C, including:

1. Partitioning and subdividing of land.
2. New structural development.
3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.
4. Site modifications including grading, excavation or fill (As regulated by the Oregon Division of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways, or paths.
5. Removal of trees or the cutting or clearing of any native vegetation within the Significant Natural Resource beyond that required to maintain landscaping on individual lots existing on the effective date of this ordinance, and removal of diseased or damaged trees that pose a hazard to life or property.

6. Planting of native plants only within the Significant Natural Resource Area and related setbacks. A list of native plants can be obtained at City Hall and/or from a source approved by the Reedsport Planning Commission.

C. Exemptions

Activities exempt from this ordinance include:

1. The sale of property.
2. Temporary emergency procedures necessary for the safety or protection of property.
3. Commercial forest practices regulated by the Oregon Forest Practices Act.
4. Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.
5. All water-related and water-dependent uses as described respectively in Section 3.060 and Section 3.090 of the Zoning Ordinance.

D. Agency Review

Decisions made by the City of Reedsport under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

IV. GENERAL DEVELOPMENT STANDARDS

- A. The City of Reedsport has adopted safe harbor setback methodology for the identification of the wetland riparian boundary. Wetlands that are hydrologically connected to streams have setbacks from the wetland riparian area a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. Properties adjacent to significant Riparian Areas/Corridors and Riparian Wetlands are subject to setback requirements. The property owner is responsible for having a qualified professional do a delineation to determine the riparian and riparian wetland boundary. It will only be the riparian and riparian related wetlands that safe harbor setbacks apply to. Riparian and riparian related wetlands have been identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference. Significant and Non-significant non-riparian wetlands are not subject to a safe harbor setback. Property owners are responsible for having a qualified professional identify the wetland boundary interfacing their property. Figure One below is a cross section illustrating terms used in discussion of wetland riparian setbacks as defined by Oregon Statewide Planning Goal 5.

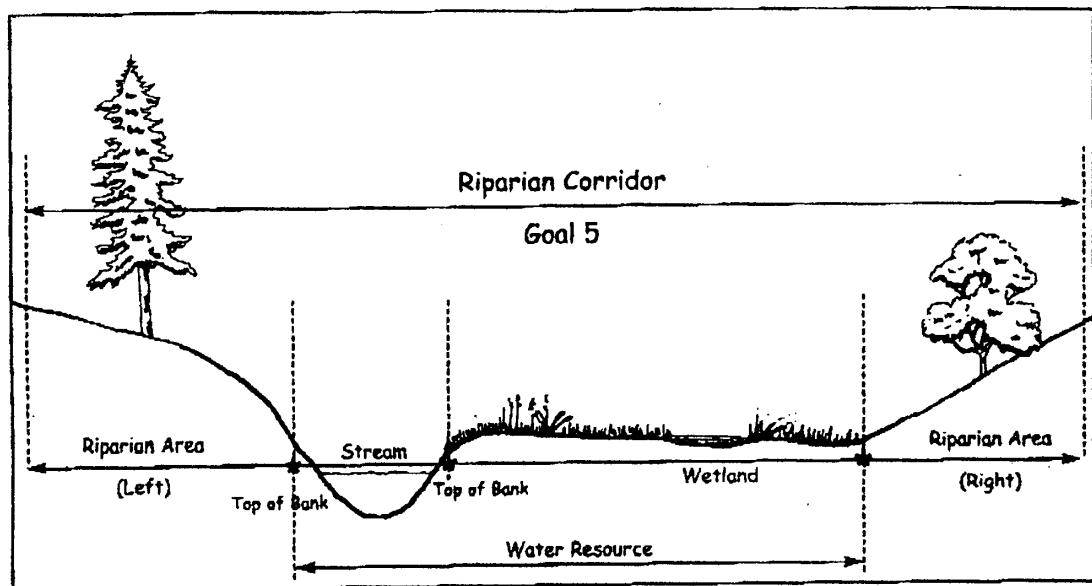


Figure 1: Cross section illustrating terms used in Statewide Planning Goal 5.

Source: Urban Riparian Inventory and Assessment Guide. Oregon Division of State Lands 1998.

B. The permanent alteration of the Significant Natural Resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:

1. Streets, roads, paths, and driveways;

Public or private streets, driveways, or paths may be placed within a Significant Natural Resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:

- i. Demonstrate to the reviewing authority that no other practicable access to the buildable area exists or access from an off-site location through the use of easements is not possible;
- ii. Design roads, driveways, and paths to be the minimum width necessary and for the minimum intrusion into the Significant Natural Resource while also allowing for safe passage of vehicles and/or pedestrians consistent with the transportation component of the Reedsport Comprehensive Plan;
- iii. Use bridges, arched culverts, or box culverts with a natural bottom for crossing of a Significant Natural Resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
- iv. Consider the need for future extensions of shared access, access easements, or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the Significant Natural Resource;
- v. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource;

- vi. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering the Significant Natural Resource.
- vii. Permanent alteration of the Significant Natural Resource by the placement of public or private streets, driveways, or paths is subject to the mitigation requirements of Section VII.

2. Utilities and drainage facilities;

Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a Significant Natural Resource the following standards shall apply:

- i. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;
 - ii. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into the Significant Natural Resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - iii. No stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource.
3. Replacement of existing structures with structures in the same location that do not disturb additional surface area.
4. Structures or other non-conforming alterations existing fully or partially within the Significant Natural Resource may be expanded provided the expansion occurs outside of the Significant Natural Resource. Substantial improvement of a non-conforming structure in the Significant Natural Resource shall require compliance with the standards of this ordinance.
5. Existing lawn within the Significant Natural Resource may be maintained, but not expanded within the limits of the Significant Natural Resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

6. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural resource agency. Such alteration of Significant Natural Resources shall be approved only if less-invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.
- C. Removal of vegetation from the Significant Natural Resource is prohibited, except for:
1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
 2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.
 3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Community Development Director. If no hazard will be created, the department may require such trees, once felled, to be left in place in the Significant Natural Resource.
 4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that may be used in a significant natural resource area. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during windless periods at least 4 hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

V. NATURAL RESOURCE ENHANCEMENT

Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Natural Resource is encouraged; however, no

enhancement activity requiring the excavation or filling of material in a wetland shall be allowed unless all applicable State and Federal wetland permits have been granted.

VI. VARIANCES TO SECTION 4.160

A variance to the provisions of Section 4.160 is permitted only as a last resort and may be considered only if necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this Section.

A. A variance shall only apply to:

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 50 feet or less; or a building envelope of 1600 square feet or less;
2. Lots where strict adherence to the standards and conditions of Section IV would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

B. Permanent alteration of the Significant Natural Resource by an action requiring a variance is subject to the procedures and criteria of Article 7 and the mitigation requirements of Section VII.

VII. MITIGATIONS STANDARDS

When approved impacts to any identified Significant Natural Resource occurs, mitigation shall be required. For impacts to Significant Wetlands or Major Marshes, the standards and criteria of Section VII A shall apply. For impacts to Riparian Corridors or Riparian Vegetation, the standards and criteria of Section VII B shall apply.

- A. When mitigation for impacts to a Significant Wetland or a Major Marsh is proposed, the mitigation plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The City may approve a development but shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted and copies of those approvals have been submitted to the City.
- B. When mitigation for impacts to a non-wetland riparian area is proposed, a mitigation plan prepared by a qualified professional shall be submitted to the review authority. The mitigation plan shall meet the following criteria:

- a. Mitigation for impacts to a non-wetland riparian area shall require a minimum mitigation area ratio of 1:1;
- b. The mitigation plan shall document the location of the impact, the existing conditions of the resource prior to impact, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density, and a narrative describing how the resource will be replaced;
- c. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact;
- d. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;
- e. Trees shall be planted at a density of not less than 5 per 1000 square feet. Shrubs shall be planted at a density of not less than 10 per 1000 square feet.

VII. PLAN AMENDMENT OPTION

Any owner of property affected by the SNR Overlay Zone within the Goal 5 planning area, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the SNR Overlay Zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Reedsport Comprehensive Plan, and the Reedsport Significant Natural Resources Map shall be amended to remove the Significant Natural Resource Overlay Zone from the inventory.

The ESEE analysis shall adhere to the following requirements:

1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Reedsport City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. The City should confer with the Department of Land Conservation and Development prior to making their ultimate decision;
2. The ESEE analysis must demonstrate why the use cannot be located on buildable land outside of the Significant Natural Resource and that no other

sites within the City of Reedsport that can meet the specific needs of the proposed use;

3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.

**ARTICLE 5
SUPPLEMENTARY PROVISIONS FOR ESTUARINE
AND SHORELAND AREAS**

Section 5.010 Consistency Review of Regulated Activities

1. All regulated activities in estuarine or shoreland areas shall be reviewed to determine conformance with the Comprehensive Plan and provisions of this Ordinance. Regulated activities are those uses which require state and/or federal permits, including but not limited to docks, erosion control structures, shoreline stabilization, dredging, filling, dikes, piling and dolphin installation.
2. The fact that a use or activity is permitted or that a use permit has been approved or denied shall be reported to the permit-granting agency. The report shall contain a statement of whether or not the use or activity is consistent with the Plan and Ordinance; the reasons the use or activity is not consistent; standards and conditions which should be applied if the permit is granted and the need, if any, for local permits for uses associated with the regulated activities.
3. If a proposed use which requires local approval has not been reviewed, notice shall be given to the permit-granting agency and the applicant within ten (10) working days of notification, stating what process is required to review the proposed use. Upon completion of the required review, the report mentioned above, including a decision on the request, shall be sent to the permit-granting agency.

Section 5.020 Consistency Determination

1. If a use or activity is permitted outright in the zone classification, it shall be considered to be consistent with the Comprehensive Plan, the purpose of the applicable management unit within which it is located and the resource capabilities of the area, and shall be considered to have no potential of creating unacceptable degradations of the estuarine or shoreland area.
2. If a use or activity is permitted with standards or permitted conditionally, local approval of a use permit shall be required. Approval of a request shall be based on findings which constitute a determination that the use or activity is consistent with the Comprehensive Plan, the purpose of the applicable resource management unit and provisions of this Ordinance. For estuarine areas, a determination of conformance with the resource capabilities of the area and other unacceptable degradations of the estuarine environment shall not occur. Findings shall be preceded by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss.

Section 5.030 Application

1. No application is necessary for regulated activities which do not require local approval. Local input shall be provided to permit-granting agencies in response to public notice provisions of their application procedures.
2. Application for a regulated activity which requires local approval, or other use permitted with standards or permitted conditionally in the zone classification, shall be processed as an administrative action. The application shall include the following types of information. This list is not intended to be all inclusive, and is subject to Director determination of what information is applicable to the request and necessary for a decision.
 - a. Identification of resources existing at the site.
 - b. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as: flushing, patterns of circulation and other hydraulic factors; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics of the water.
 - c. Effects of the proposed use on biological characteristics of the estuary and the proposed site, such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas; primary productivity, resting, feeding and nesting areas for migrating and resident shorebirds, wading birds and other waterfowl, riparian vegetation; wildlife habitat.
 - d. Effects of the proposed use on other established uses in the area.
 - e. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas.
 - f. Assurance that structures have been properly engineered.
 - g. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts.
 - h. Steps which have been taken to minimize or avoid adverse impacts.
3. If application has been made to the Corps of Engineers or Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request.
4. Based on the type of use proposed, the Director shall determine which information is applicable to the request and shall be submitted with the

application. Federal Environmental Impact Statements or Impact Assessments, or other prepared material which addresses pertinent issues, may satisfy this requirement is available at the time of application. In any case, the Director may require additional information from the applicant prior to making a decision if it is determined that such information is necessary to assure consistency with applicable criteria.

5. In making a decision, the Director shall consider:
 - a. The proposed use and its location.
 - b. Conformity with the standards for such use in this Ordinance.
 - c. Conformity with the Comprehensive Plan.
 - d. Consistency of the proposed use with resource capabilities of the area and the purpose of the applicable resource management unit for estuarine uses.
 - e. Comments from agencies or other persons noticed during the administrative action process.
6. Decisions made by the City of Reedsport under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the property owner to ensure that any other necessary permits are obtained.

Section 5.040 Resource Capabilities Test

1. Certain uses are permitted in estuarine areas as long as the uses are consistent with the resource capabilities, as defined by this Ordinance, of the area and the purpose of the management unit. Technical review of a proposed use shall ensure that, if approved, the use will be consistent with resource values.
2. A determination of consistency with resource capability shall be based on:
 - a. Identification of resources existing at the site, including environmental, (e.g. aquatic life and habitat present, benthic populations, migration routes), and social and economic factors, (navigational channels, public access facilities, areas especially suited for water-dependent use).
 - b. Evaluation of impacts on those resources by the proposed use.
 - c. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.

3. In determining consistency of a proposed use with resource capabilities of the area, the City of Reedsport shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings showing that the proposed use is consistent with resource capabilities must be made by those agencies before such permits are approved.
4. For other than regulated activities that may be permitted with standards or conditionally permitted by zoning regulations, the Director shall make a decision based on the information submitted by the applicant, information contained in the Comprehensive Plan and other published studies concerning the Umpqua estuary, and comments received from resource agencies which result from public notice provided pursuant to Section 12.030 of this Ordinance. Non response by an affected agency shall indicate to the Director that no resource issues have been identified within that agency's area of interest or expertise.

Section 5.050 Other Alterations

In addition to potential impacts on resources in the immediate area, certain fills, dredging and other uses have the potential of creating degradation of other resources in the estuary. Such uses have been identified as those permitted with standards or permitted conditionally in the estuarine zone classification. If a significant potential degradation is identified, approval of federal or state permits must show consistency of the proposed use with the following criteria:

1. Other alterations in the estuary shall be allowed only:
 - a. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - b. If no feasible alternative upland locations exist; and
 - c. If adverse impacts are minimized.
2. In determining the impact of other alterations on the estuary the City of Reedsport shall rely on the expertise of affected State and Federal resource agencies. Through consultation with each agency, the City of Reedsport shall determine if the alteration is; (1) needed, (2) that no feasible alternative upland location exists, and (3) that adverse impacts are minimized. The City shall notify the affected agency of the proposed alteration. Input from each agency shall be used to assist in the impact analysis. Non response shall indicate to the Director that the proposed alteration is consistent with above criteria in the view of the affected agency. The affected agency responses shall be utilized by the City in making findings on other alteration impacts.

Section 5.060 Standards and Criteria Applicable to Uses and Activities in Estuarine and Shoreland Areas

In addition to other provisions of this article, uses and activities permitted with standards or permitted conditionally in estuarine and shoreland zones shall comply with any of the following applicable standards and criteria. Applicants for a use permit shall provide information concerning applicable standards and criteria sufficient to allow an evaluation of compliance with these standards and criteria, and shall be apprised of specific requirements at the required pre-application conference.

Section 5.070 Standards and Criteria for Estuarine Zones

General Application:

1. The amount of estuarine area consumed by any one development shall be minimized in order to limit the commitment of estuarine surface area to the parts of developments that must locate in the estuary as opposed to shorelands and uplands.
2. Water quality, including newly created waterways, shall be maintained at levels which will support recognized beneficial uses.
3. Water surface area and volume shall be maintained wherever possible.
4. A proposed use or activity shall not result in substantial destruction of a type of natural habitat or biological function which currently exists in the estuary.
5. A proposed use or activity shall not diminish the productive capacity of spawning sites for fish species having significant value to humans.
6. The size and shape of a dock or pier shall be limited to that required for that use.
7. In order to encourage community facilities common to several uses, proposals for the establishment of individual, single-purpose docks and piers shall only be approved when alternatives, such as mooring buoys, dry land storage and launching ramps, have been investigated and considered.

Dredging and Filling:

1. Dredging and/or, filling, shall be allowed only if:
 - a. The activity is required for navigation or other water-dependent uses that require an estuarine location; or if specifically allowed by the applicable management unit requirements of the estuarine goal; and

- b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust, rights, and
 - c. No feasible alternative upland location exists for the portion of use requiring fill.
 - d. Adverse impacts are minimized.
 - e. The activity is consistent with the objectives of the State's estuarine resources goal and with the state and federal law in conformance with City of Reedsport Comprehensive Plan.
2. Fills or structures, when permitted, shall be of minimum size required for the operation of that use or business.
 3. Filling shall be authorized only to accommodate development which has been determined to be in accord with a design approved by the appropriate governing bodies and permit-granting agencies.
 4. Adverse impacts on estuarine resources resulting from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area. (See standards and criteria for mitigation/restoration, Section 5.080).
 5. Dredging activity shall be consistent with the policies and procedures set forth in the "Channel Development and Dredged Material Management Program for the Umpqua River Estuary" included in the Comprehensive Plan.
 6. Dredged material disposal is prohibited in intertidal and marsh areas unless part of an approved fill project.

Log Storage:

1. New water storage for logs may be approved only if such storage is an integral part of the operation of an existing wood products facility or new water-dependent facility approved by the State's Environmental Quality Commission; if there are no feasible upland alternatives; if the area is within a development or conservation management unit; if storage is limited to deep water where logs will not go aground at the lowest tide, except as provided in (2) below; if storage time for specific logs will not exceed one ((1) year; and if water storage will not interfere with navigation.
2. In water storage of logs shall not be permitted in areas where logs go aground at the lowest tide unless it is demonstrated that no other reasonable alternatives exist.

3. Historical and current log storage sites that are not used for log storage for a five year period shall be removed from further use for log storage.

Temporary Alterations:

1. Temporary alterations shall be allowed only if:
 - a. The alteration is consistent with the purpose of the management unit.
 - b. The alteration is in support of the uses permitted by the specific management unit.
 - c. The area affected by the alteration is restored to its original condition upon termination of the temporary use.

Section 5.080 Standards and Criteria for Shoreland Zones

General Application:

1. Uses and activities shall be compatible with the characteristics and resources of adjacent estuarine areas, lakes and oceans and any geologic or hydrologic hazards.
2. Riparian vegetation shall be maintained to the maximum extent possible. Vegetation destroyed or damaged as a result of allowed uses or activities shall be restored and enhanced when appropriate and consistent with the use.
3. In all shorelands except those classified for water-dependent uses, development other than flood and erosion control structures and public or private docks shall be set back fifty (50) feet from the line of nonaquatic vegetation or mean high water, unless the City finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife.
4. Bridges, roads and railroads, airports and other means of transportation shall be permitted if found to be consistent with the resources of the area, the objectives of the applicable zoning classification and the Transportation Element of the Comprehensive Plan, and if essential to serve permitted or coordinated uses.
5. Nonstructural solutions to problems of shoreline erosion and flooding shall be preferred over structural methods. Fill activities on shorelands and in adjacent waters, and flood and erosion control structures such as jetties, bulkheads and sea walls shall be permitted only upon a demonstration of need and only if designed and sited to minimize erosion and man-induced sedimentation in adjacent areas and to minimize negative impacts on water currents, water quality and fish and wildlife.

6. Public access to shorelands and waters shall be provided as part of an allowed use when such access will not conflict with the type of use or development, create a significant hardship or significantly impact the resources of the shoreland area.
7. The size, (length and height), of structures permitted shall be consistent with the need to protect scenic access to the water body.

Dredged Material Disposal:

1. Disposal of dredged material shall not be permitted in subtidal or intertidal areas of the estuary unless it is part of an approved fill project or in approved flow lane disposal site and if disposal of the material in an approved upland or ocean water site is not feasible.
2. Disposal of dredged material shall be permitted if the eventual use of the disposal site is consistent with the uses permitted in the applicable district and if the method of disposal is consistent with the policies and procedures of the Dredged Material Disposal Program included in the Comprehensive Plan.
3. When disposal of dredged material will create opportunity for development and associated improvements, access and services shall be available or planned.
4. Shorelands identified in the Comprehensive Plan as suitable for fulfilling dredge spoils requirements shall be protected from new uses and activities which would prevent their ultimate use for dredge spoil material.

Restoration and Mitigation:

1. Shoreland areas identified in the Comprehensive Plan as suitable for fulfilling mitigation requirements shall be protected from new uses and activities which would prevent their ultimate restoration or addition to the estuarine ecosystem.
2. Restoration and mitigation activities shall be consistent with the policies set forth in the Restoration and Mitigation Program of the Douglas county Comprehensive Plan.

ARTICLE 6 - EXCEPTIONS

Section 6.010 Nonconforming Uses

Purpose: It is the intent of the nonconforming use section of this Ordinance to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Ordinance to continue under conditions specified herein. However, alterations or expansion of those nonconforming uses and structures thereby creating potentially adverse effects in the immediate neighborhood or the City as a whole are not permitted, except as outlined below:

1. Continuation of a Nonconforming Use or Structure: A nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this Ordinance.
2. Discontinuance of a Nonconforming Use: If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.
3. Change of a Nonconforming Use: If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance and shall not subsequently be replaced by a nonconforming use.
4. Destruction of a Nonconforming Use: Restoration or replacement of any structure containing a nonconforming use may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. In the event construction cannot be commenced within one year, the property owner may retain the right to building by posting a performance bond in the amount of the value of the structure to be built.
5. Completion of Construction: Nothing contained in this Ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which documented plans are available or a construction permit has been issued prior to the adoption of this Ordinance provided the structure, if nonconforming or intended for a nonconforming use is completed and in use within two (2) years from the time of adoption of this Ordinance.

Section 6.020 Exceptions to Yard Requirements

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

1. If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.
2. If there is a building on one (1) abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

Section 6.030 Exceptions to Building Height Limitations

Vertical projections such as chimneys, spires, domes, elevator shaft housings, aerials and flagpoles not used for human occupancy are not subject to the building height limitations of this Ordinance.

Section 6.040 Projections from Buildings

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than thirty-six (36) inches into a required yard.

ARTICLE 7 - VARIANCES

Section 7.010 Authorization to Grant or to Deny Variances

The Planning Commission 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 Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

Section 7.020 Criteria for Granting a Variance

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

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
4. The variance requested is the minimum variance which would alleviate the hardship.
5. The variance is not the result of a self-created hardship.

Section 7.025 Minor Variances

Minor variances may be denied or granted upon review by the Community Development Planner for the following:

1. Front and side yard setback encroachments up to one (1) foot.
2. Exceeding building height requirements up to eighteen (18) inches.

3. Exceeding maximum lot coverage up to fifty (50) square feet.
4. All setback encroachments and lot coverage requirements for lots five thousand (5000) square feet or less in area.
5. Exceeding maximum square footage allowed for signs up to 10%.

Upon receiving application for a minor variance, the Planner shall send written notification of applicants intent to all property owners (within 100 feet), fifteen (15) days prior to review and determination. Upon the conclusion of the fifteen (15) days the applicant shall receive written notification of the Planner's determination. The decision of the Planner on a minor variance may be appealed to the Planning Commission.

Section 7.030 Procedure to Taking Action on a Variance Request

The procedure for taking action on a request for a variance shall be as follows:

1. A property owner may initiate a request for a variance by submitting an application with the Planning staff. The Planning Commission shall receive such application for review and/or action within thirty (30) days of receipt by the Planning staff. (ORD 513-D, July 7, 1980)
2. Before the Planning Commission may act on a variance request, it shall hold a public hearing thereon as provided in Section 12.010 - 12.060.
3. Within five (5) days after a decision has been rendered with reference to a variance application, the Planning staff shall provide the applicant with written notice of the decision of the Commission. (ORD 513-D, July 7, 1980)
4. The application shall be accompanied by a plan showing the condition to be varied, and the dimensions and arrangement of the proposed development. The application shall also be accompanied by a narrative from the applicant that addresses each of the criteria outlined in Section 7.020.

Section 7.040 Time Limit on a Permit for a Variance

Authorization of variance shall be void after one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.

ARTICLE 8 - CONDITIONAL USE

Section 8.010 Authorization to Grant or Deny Conditional Use

Purpose: To provide for certain uses that are not permitted outright in various zones because of their different or unusual characteristics in comparison with the permitted uses and to provide qualifying criteria and standards designed to protect property values and reduce adverse impacts with the surrounding area or community. Nothing construed herein shall be deemed to require the Planning Commission to grant a conditional use permit if it fails to meet the standards set forth in Section 8.020.

A conditional use listed in this Ordinance may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this article.

1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location and lighting of signs.
 - g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
2. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a conditional use, any change in the use or in lot area, or an alteration of structure shall conform with the requirements for conditional use.

3. The Planning Commission may require an applicant for conditional use to furnish the City a surety or cash bond of up to the value of the cost of the improvement to assure that the conditional use is completed according to the plans as approved by the Planning Commission, and that standards established in granting the conditional use are observed.
4. Changes or alteration to approved conditional use permits shall be processed as a new administrative action.

Section 8.020 Standards to Which a Conditional Use Must Conform

That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density to the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.

That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment consistent with the nature of the use and the given setting.

Section 8.025 Mobile Home Parks

An application for conditional use permit for a mobile home park shall be approved if it meets all of the following:

1. The zone in which the mobile home park is to be developed provides for such parks as a conditional use.
2. The proposed mobile home park is consistent with applicable policies of the Reedsport Comprehensive Plan.
3. The proposed mobile home park complies with all applicable property development standards for the zone in which it is to be developed and with all applicable provisions of this Ordinance's Article 4, "Special Provisions and Regulations."
4. The City shall not prohibit placement of a mobile home due solely to its age, in a mobile home park in a zone with a density of 8 to 12 units per acre.

Section 8.030 Procedure for Taking Action on a Conditional Use Application

The procedure for taking action on a conditional use application shall be as follows:

1. A property owner may initiate a request for a conditional use by filing a request with the Planning staff. (ORD 513-D, July 7, 1980)
2. Before the Planning Commission may act on a conditional use request, it shall hold a public hearing thereon, following procedure as established in Section 12.010 - 12.060.
3. Within five (5) days after a decision has been rendered with reference to a conditional use request, the Planning staff shall provide the applicant with written notice of the decision of the Commission. (ORD 513-D, July 7, 1980)

Section 8.040 Time Limit on Conditional Uses

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial documented plans are being developed or construction has taken place, or if the use approved by the conditional use permit is discontinued for any reason for more than one year. The Planning Commission may extend authorization for an additional period not to exceed one (1) year on request.

ARTICLE 9 - AMENDMENTS

Section 9.010 Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zone boundary may be initiated by the City Council, the City Planning Commission, Douglas County, or by application of a property owner.

Section 9.020 Standards for Amendments

An amendment may be granted only in the event that the evidence presented to the Planning Commission satisfies criteria set forth in the following standards:

1. Is there sufficient burden of proof to show the action will be in the public interest?
2. Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?
3. Is the proposed amendment in conflict with the adopted Comprehensive Plan for the area?
4. Will the proposed amendment adversely affect the public health, safety and general welfare?
5. What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

Section 9.030 Public Hearings on Amendments

The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall:

1. Within five (5) working days after the decision has been rendered, the City Planning Department shall provide the applicant with a written notice of the decision of the Planning Commission.
2. Within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

Section 9.040 Notification Procedures for Amendments

1. All zoning text amendments require 45 days prior notice to the Department of Land Conservation and Development pursuant to ORS 197.610.
2. Any amendment that limits or prohibits land uses previously allowed in the affected area may be subject to measure 56 notification as specified in ORS 227.186.
3. Notice of the public hearing must be published in a newspaper of general circulation in the City not less than 20 days before the evidentiary hearing is held or 10 days before the first evidentiary hearing, if two or more evidentiary hearings are allowed.

Section 9.050 Record of Amendments

The City Recorder shall maintain records of amendments to the text and zoning map of the Ordinance.

Section 9.060 Limitation of Reapplications

No application of a property owner for an amendment to the text of this Ordinance or to a zone boundary shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

ARTICLE 10 - APPEALS

Section 10.010 Enforcement

The City Manager or his designated representative shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling of the City Manager or his designated representative shall be made to the Planning Commission.

Section 10.020 Appeals from a Ruling of the Planning Commission

Any action or ruling of the Planning Commission authorized by this Ordinance may be appealed to the City Council in accordance with the following procedure:

1. Such appeal shall be made within fifteen (15) days of the date notice of the Planning Commission decision was mailed by filing written notice with the City Recorder. If no appeal shall be taken within such fifteen (15) day period, the decision of the Commission shall be final.
2. Appeals shall include:
 - a. A statement of the interest of the petitioner to determine his party status.
 - b. The specific grounds relied upon in the petition request for review.
 - c. The date of the decision of the initial action.
3. The following parties, (or authorized agent), shall have standing:
 - a. Site Specific (other than minor variance): Applicant, property owners within two hundred (200) feet of the subject site, City Manager or anybody determined to have standing by the deliberating body.
 - b. Site Specific Minor Variance: Applicant, adjacent property owners or anybody determined to have standing by the deliberating body.

Section 10.030 Scope of review.

1. Unless otherwise provided by the City Council, the review of the initial action shall be confined to the record of the proceeding below, which shall include:
 - a. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence.
 - b. All materials submitted by the City staff with respect to the application.

- c. The transcript of the hearing below.
 - d. The findings and action of the Planning Commission and the notice of review.
 - e. Argument by the parties or their legal representatives at the time of review before the City Council.
2. The City Council may admit additional testimony and other evidence if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. In deciding such admission, the City Council shall consider:
- a. Prejudice to parties.
 - b. Convenience of location of the evidence at the time of initial hearing.
 - c. Surprise to opposing parties.
 - d. When notice was given to other parties as to the attempt to admit.
 - e. The competency, relevancy and materiality of the proposed testimony or other evidence.

Section 10.040 Decision

The City Council may affirm, reverse or amend the action of the Planning Commission and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and Ordinances. The council may also refer the matter back to the Planning Commission for additional information.

- a. For all cases, the Council shall make finding based on the record before it and any testimony or other evidence received by it as justification for its actions.
- b. The Council shall state all orders upon the close of its hearing or upon continuance of the matter to a time certain.

Section 10.050 Notification of Appeal

Written notice of the public hearing on an appeal shall be provided to the appellant; the applicant, if different; and all parties entitled to receive mailed notice prior to or after the original decision.

Section 10.060 Reapplication Following Denial

After denial of a development proposal, no new application for the same area, or any portion thereof, may be submitted for a period of one (1) year from the date of denial. However, the Planning Commission may waive this restriction if the proposal has been sufficiently modified or conditions have changed sufficiently to justify reconsideration.

ARTICLE 11 - ADMINISTRATIVE PROVISIONS

Section 11.010 Authorization of Similar Uses

The Planning Commission may permit in a particular zone a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted there by this Ordinance. However, this section does not authorize the inclusion in a zone where it is listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 11.020 Maintenance of Minimum 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.

Section 11.030 Building Permits

No permit shall be issued by the building inspector for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this Ordinance and does not have permit approval of the Planning Department.

Section 11.040 Filing Fees

Filing fees shall be established by a separate Ordinance.

Section 11.050 Interpretation

Where a provision of this Ordinance is in conflict with another provision of this Ordinance, or any other Ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

Some terms or phrases within the Code may have two or more reasonable meanings. In order to resolve the difference an interpretation of the code maybe required. A request for an interpretation must be submitted in writing to the Planning Commission. The Planning Commission will hold a public hearing regarding the interpretation at the first regular meeting following the submittal. Notification procedures will follow the guidelines listed in Article 12. The Planning Commission's decision maybe appeal to the City Council in accordance with Article 10 of the zoning ordinance.

Section 11.060 Severability

The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a Court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this Ordinance.

Section 11.070 Time Limit for City Decision

1. The City shall render a final decision regarding all land use applications within its control within 120 days of receipt of a complete application.
2. The applicant may submit a request for an extension on a land use decision or action beyond the 120 day limit.
3. Land use regulations amendments or adoptions of new regulations that must be submitted to the Department of Land Conservation and Development Director may be exempt from the 120 day limit.
4. Applicant whose applications have not been acted upon within the 120 day limit may seek a writ of mandamus to compel issuance or action on a land use application.

ARTICLE 12 - PUBLIC HEARING PROCEDURES

Section 12.010 Scope of Rules

This article shall govern the conduct of hearings held by the City Council and the Planning Commission, hereafter referred to as the deliberating body, including all hearings and appeals provided for within this Ordinance, the Comprehensive Plan and any other land use matters requiring such hearing. Any other matters coming before the deliberating body for hearings may be governed by any and all of these rules at the discretion of the Council persons or Planning Commissioners.

Section 12.020 Nature and General Conduct of Hearing

The deliberating body, in conducting a hearing which will result in a determination as to the permissible use of specific property, is acting in quasi-judicial capacity and all hearings shall be conducted accordingly. Parties with standing are therefore entitled to notice of hearing, if required by Charter, Ordinance or statute, an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered, supported by findings of fact as part of that record.

Section 12.030 Notice of Public Hearings

Notice of public hearings shall be given by the City Recorder in the following manner, except where statutory requirements are given and then the statutory requirements shall be followed:

1. Notice shall also be presented in written form not less than 20 days before the evidentiary hearing or 10 days before the first evidentiary hearing, if two or more evidentiary hearings are allowed to the owners of property within 200' of the exterior boundaries of the property involved where the site is wholly or partially within the City Limits and/or the Urban Growth Boundary.
2. The notice shall contain the following information:
 - a. An explanation of the nature of the application and the proposed use or uses which could be authorized,
 - b. A list of the applicable criteria from the ordinance and the plan that apply to the application,
 - c. The street address or other easily understood geographical reference to the subject property,

- d. The date, time and location of the hearing,
 - e. Failure to raise an issue by the close of the record at or following the final evidentiary hearing in person or by letter precludes appeal to Land Use Board of Appeals (LUBA) based on that issue,
 - f. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue,
 - g. The name of a local government representative to contact and a telephone number where additional information may be obtained,
 - h. A copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost,
 - i. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost, and
 - j. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.
- 3. For each quasi-judicial land use hearing, an affidavit must be completed representing that the requisite notice was provided to the appropriate individuals.
 - 4. Special Notice Regulations for Hearings on a rezone of property containing mobile home parks.

Before enacting, at the request of a property owner, an ordinance which would change the zone of property which includes all or part of a mobile home park as defined in this Ordinance, the Planning Department shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the ordinance. The applicant shall provide the Planning Department with a certified list, from a title company, of the mailing addresses for tenants of the mobile home park. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

Section 12.031 Submission of Evidence

- 1. Persons may submit documents or evidence:
 - a. In support of the application -- as late as the hearing itself,

- b. In opposition to the application -- (1) at the hearing, and (2) for at least 7 days after the hearing if someone submits documents or evidence in support of the application or a participant at the initial hearing asks before the hearing concludes that the record be kept open,
- c. The applicant and other persons who have participated at the initial hearing may submit documents or evidence rebutting evidence submitted in opposition to the application (1) at the hearing, and (2) for at least 7 days after the hearing if a participant at the initial hearing asks before the hearing concludes that the record be kept open.

Section 12.032 Staff Report

Any staff report used at a hearing shall be made available at least 7 days before the hearing.

Section 12.033 Continuance/Record

1. Any party shall be entitled to a continuance of the initial evidentiary hearing if anyone submits additional documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.
2. The record shall remain open for at least 7 days after the initial evidentiary hearing if a participant asks before the hearing concludes that the record be kept open.

Section 12.040 Burden and Nature of Proof

The burden of proof is upon the proponent. The more drastic the change or impact of the proposal, the greater is the burden of the proponent. Unless otherwise provided, such burden shall be to prove (a) The public interest is best carried out by approving the application for the proposed action at this time; and 9b) the proposed action complies with the Comprehensive Plan.

Section 12.050 Order of Procedure

1. At the outset of the hearing, the presiding officer shall review the public hearing procedure and shall inquire whether any member of the deliberating body wishes to declare a conflict of interest or ex-parte contact.
2. List the applicable criteria.
3. State that testimony and evidence must be directed toward the criteria included in the list of applicable criteria or other criteria in the plan or land use regulations which a person believes to apply to the decision.

4. State that issues must be raised by the close of the record at or following the final evidentiary hearing, in person or by letter.
5. At the initial evidentiary hearing, state that if a participant at the hearing so requests before the hearing concludes, the record shall be kept open for at least 7 days -- unless there is a continuance.
6. At the initial evidentiary hearing, state that any party shall be entitled to a continuance of the hearing if anyone submits documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.
7. State that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
8. City staff shall briefly review the basic facts involved in the proposal.
9. The presiding officer shall provide the opportunity for questions to be asked by the deliberating body or from the floor regarding clarification of the matter to be heard.
10. All those persons who support the proposed application shall first be permitted to present their case. The applicant or his representative shall proceed first, to be followed by all others who support the application.
11. All those who oppose the proposed application shall then present their case.
12. City staff shall then make further presentation, if appropriate. City staff may also answer questions or clarify issues during other stages of the hearing whenever permitted by the presiding officer during the hearing.
13. Following all presentation, brief rebuttal shall be permitted by all parties in the same general order as initial presentations. The presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.
14. All testimony and exhibits presented during public hearing shall be considered permanent part of the record.

Members of the deliberating body may question anyone making a presentation at a hearing, but such questioning shall occur after, not during, the individual's presentation.

Any questions from the floor shall be addressed to the presiding officer. The presiding officer shall then direct the question to the appropriate person.

No person shall be disorderly, disruptive or abusive during the conduct of the hearing.

No person shall testify without receiving recognition from the presiding officer and stating his full name and address.

All presentations shall be as brief as possible, and redundancy and repetition shall be avoided.

The presiding officer shall have authority to:

1. Regulate the course and decorum of the hearing.
2. Dispose of procedural matters.
3. Rule on relevancy of testimony and request documentation at any time.
4. Impose reasonable limitations on the number of witnesses and time limits for presentations and rebuttal.

At the close of all presentations and rebuttal, the presiding officer shall declare that the hearing is closed, and thereafter no further evidence or argument shall be received. Once a hearing has been closed, it shall be reopened upon vote of the deliberating body.

Any person making a presentation may present one or more written exhibits, visual aids, affidavits and similar material to be considered as part of the evidence. Exhibits shall become part of the permanent record.

At City Council hearings, all Planning Commission minutes and records shall be a part of the record before the City Council. A Planning Commission spokesperson may testify as part of the City staff presentation at a City Council hearing.

The Planning commission or City Council may recess a public hearing in order to obtain additional information or to serve further notice upon other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 12.060 Deliberation and Decision

The action by the deliberating body may be to approve the application as submitted, to deny the application, or to approve the application with such conditions as may be necessary to carry out the Comprehensive Plan and Ordinances of the City. The deliberating body shall first make findings and its decision may include findings proposed by the proponent, opponents, and the City staff.

Section 12.070 Administrative Action Decisions of the Director

In making an Administrative Action decision, the Director consider the following:

1. The burden of proof is placed upon the applicant. Such burden shall be to prove:
 - a. The proposed action fully complies with the applicable goals, policies and map elements of the Comprehensive Plan; and
 - b. The proposed action is in accord with the applicable criteria of this ordinance.
2. Notice of proposed administrative action shall be sent to all properties and all affected agencies within 100 feet of the property subject to the application at least fifteen (15) days prior to the decision.
3. The Director may impose conditions in making a decision to approve an Administrative Action. The following limitations shall be applicable to conditional approval:
 - a. Conditions shall be fulfilled within the time limitations set forth in the approval thereof.
 - b. Such conditions shall be reasonable to fulfill public needs.
 - c. Failure to fulfill any conditions of approval with the time limitations provided may be grounds for initiation of Administrative Action or revocation of approval by the Director.
4. Notice of Administrative Decision shall be filed in the records and also mailed to applicant and all property owners within the 100 ft. notification boundary and shall contain the following information.
 - a. Identification of the application.
 - b. The findings of fact pertaining to the Director's decision.
 - c. Other information pertinent to the application, if any.
 - d. The date of the filing of the decision of the Director.
 - e. Notice that any party may appeal the decision to the Planning Commission by filing such intent with the Director within 10 days of the Directors mailed decision.

5. Planning Commission shall be notified of all administrative decisions within five days of the decision being rendered.
6. The administrative decision of the Director shall be final upon the expiration of fifteen days from the date of approval or disapproval unless an appeal from an aggrieved person is received by the Director within such ten day period or if two or more Planning Commissioners submit in writing to the Director within a ten day period a request to review the Directors decision.

ARTICLE 13 - REMEDIES

Section 13.010 Penalty

A person violating a provision of the Ordinance or such conditional use permit as is granted shall, upon conviction, be punished by imprisonment for not more than sixty (60) days or by fine or not more than five hundred (500) dollars or both. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.

Section 13.020 Alternative Remedy

In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this Ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, temporarily or permanently abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

Section 13.030 Procedure

1. Within ten (10) days after notification of a violation of this Ordinance, the City Manager or his designated representative shall notify the property owner that such a violation exists.
2. Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days.
3. Where the violation involves a structure, action to rectify such shall be made within sixty (60) days.
4. If no action has been taken to rectify the violation within the specified time, the City Manager or his designated representative shall notify the City Attorney or his designated representative of such.
5. The City Attorney shall set the date for a hearing with the person violating this Ordinance and the City Manager, to consider whether subsequent legal action should be taken to rectify the violation; and if necessary, he shall take such legal action as required to ensure compliance with this Ordinance.

PASSED by the City Council of the City of Reedsport this 25th day of August 2003, by the following vote:

AYES 7 NAYS 0

APPROVED by the Mayor on this 25th day of August 2003 and effective beginning the 25th day of September 2003.

Mayor, Keith Tymchuk

ATTEST:

John D. Cable, City Recorder