

CITY OF TANGENT

LAND USE DEVELOPMENT CODE

2004

CITY OF TANGENT

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LAND USE DEVELOPMENT CODE 2004

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ARTICLE 1 ADMINISTRATIVE PROVISIONS

SECTION 1.110 TITLE

This document shall be known as the **Tangent Land Use Development Code** and may be referred to as the "Development Code" or "Code."

SECTION 1.120 PURPOSE

The purpose of this Code is to establish standards and procedures for the orderly development of land within the City of Tangent in conformance with the Tangent Comprehensive Plan, to protect property rights, provide due process of law and promote the public health, safety and welfare of the citizens of Tangent.

SECTION 1.130 COMPLIANCE STANDARDS

- (1) The Tangent Comprehensive Plan shall be the official policy guide for the Tangent Land Use Development Code and shall serve as the basis for decisions about growth, development, and conservation of natural resources in Tangent.
- (2) No lot, structure or use shall be permitted if it is a threat to the health, safety or welfare of the user or the public.
- (3) Every lot or parcel shall abut and have access to a public street.
- (4) A property may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this Code permits.

(5) No property, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this Code shall be reduced below the minimum required for it by this Code unless authorized under the procedures of this Code.

(6) No property, yard, off-street parking area, off-street loading area, or other open space shall be used to meet the requirements for another property or use unless specifically authorized in this Code.

(7) Recreational vehicles, fifth-wheelers, travel trailers, tent trailers, tents or similar facilities may not be occupied for more than sixty (60) days in a calendar year within the City limits. The City shall grant one 30-day extension upon receiving a written request.

(8) No person shall divide land or develop land within the City without having complied with the applicable provisions of this Code and the applicable provisions of county, state and federal law.

(9) No person shall sell any subdivision lot or partition parcel until the Plat of the subdivision or partition has been approved by the City and recorded with Linn County.

(10) The City shall be notified of any pending sale of a subdivision, partition or of any property where the Conditions of Approval, Variance conditions or required improvements have not been completed. Sale of property under these conditions shall invalidate the approval granted by the City unless an agreement to complete the approved requirements is accepted by the City.

(11) All approvals granted by the City shall be completed within the time period specified in the approval or within one year of approval if not specified. A completion form, contained in the Application forms provided by the City, shall be submitted to the City upon completion of all approval conditions and requirements. Periodic reviews of the progress may be conducted by the City.

SECTION 1.140 REGULATION COMPLIANCE

In addition to the regulations contained herein, the following additional regulations may apply to proposed developments within the City of Tangent:

- (1) The Tangent Comprehensive Plan
- (2) The Tangent Strategic Plan
- (3) The Tangent Downtown Plan

- (4) Tangent Public Works Design Standards (**TPWDS**)
- (5) Tangent Water Feasibility & Water System Master Plan
- (6) Tangent Drainage & Stormwater Management Plan
- (7) Tangent Historic Structures Inventory
- (8) Tangent Parks Master Plan
- (9) Tangent Local Wetland and Riparian Area Inventory
- (10) Tangent Transportation System Plan (**TTSP**)
- (11) Official Maps or Approved Development Plans.
- (12) Oregon Revised Statute, ORS 227, City Planning and Zoning.
- (13) Oregon Revised Statute, ORS 197, Comprehensive Land Use Planning Coordination & The Oregon Statewide Planning Goal & Guidelines.
- (14) Oregon Administrative Rules, OAR 660, Land Conservation & Development.
- (15) Oregon Revised Statute, ORS 92, Subdivisions and Partitions.
- (16) Recording requirements of the Linn County Surveyor.
- (17) Oregon One & Two Family Dwelling Code.
- (18) Oregon Structural Specialty Code.
- (19) Oregon Manufactured Dwelling & Park Specialty Code.
- (20) All other applicable regulations provided by law.

SECTION 1.150 INTERPRETATION

- (1) Where the conditions imposed by any provision of this Code are less restrictive than comparable conditions imposed by any other provisions of this Code or any other city ordinance, state law or federal law, the provisions which are more restrictive shall govern.

(2) A request for an interpretation of the content or applicability of this Code, the Comprehensive Plan or any applicable provision of law shall be made to the City Administrator.

(3) A person requesting an interpretation shall submit the request in writing and may offer an opinion or recommendation. The fee for an interpretation shall be paid in compliance with Section 1.190. Clarifications and interpretations of this Code or the Comprehensive Plan may be made by the City Administrator or may be referred to the Planning Commission. Public notifications and a Public Hearing by the Planning Commission will be scheduled for interpretations affecting adjacent property owners.

(4) The City Administrator shall issue a written response as soon as possible, but within a maximum of 45 days from receipt of the request for review of the interpretation. A City Administrator interpretation shall be made in writing and transmitted to the person requesting the interpretation.

(5) Appeal of an interpretation may be filed in compliance with Section 3.700.

(6) Interpretations shall be issued in writing and shall be binding on the City and the petitioner unless appealed. A Record File shall be maintained for written interpretations.

SECTION 1.160 VALIDITY

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

SECTION 1.170 ADMINISTRATION

(1) The City shall maintain authority over all activities within the City Limits as provided by law and the City Charter. All powers of the City shall be vested in the City Council unless otherwise provided in the City Charter or City Ordinances.

(2) The City Administrator, under the direction of the City Council, shall have the authority and duty to enforce the provisions of this Code and all related city, county, state or federal regulations. An Administrative Decision is a decision by the City Administrator with notification of actions taken provided to the Planning Commission and City Council.

(a) The City Administrator shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.

(b) The City Administrator shall have decision authority for Property Line Adjustments specified in **Section 2.310**, Temporary Manufactured Dwelling Placements specified in **Section 6.144**, Final Plat signature specified in **Section 2.337** and Flood Plain development permits not involving placement of fill or floodway development as specified in **Section 4.210**.

(c) All correspondence and inquiries related to this Code shall be directed to the City Administrator at the Tangent City Hall.

(d) The City Administrator may designate other City Officers or Staff to undertake specialized duties, including but not limited to, the City Attorney, City Engineer and City Planner.

(3) The Planning Commission shall have the authority to review and approve all Site Plan Reviews, Conditional Uses, Variances, Property Line Adjustments specified in **Section 2.313 (3)**, Partitions, Subdivisions and Floodplain Development Permits involving placement of fill or floodway development as specified in **Section 4.210**.

(4) The City Council, with recommendation from the Planning Commission, shall have the authority to review and approve all Comprehensive Plan and Zoning Map or Text Amendments, Vacations and Annexations. Approved Legislative Amendments and Annexations will then be referred to voters in accordance with the City Charter.

(5) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decisions requested in the application.

(6) A decision by the City Administrator, the Planning Commission or the City Council may be appealed as provided in **Section 3.700**.

SECTION 1.180 ENFORCEMENT

Owners and/or occupants of land or buildings within the City of Tangent are subject to the enforcement authority of the City of Tangent as provided by State Law and the provisions of this Code, including any other applicable Ordinances adopted by the Tangent City Council.

A structure located, constructed, maintained, repaired, altered or used in violation of this Code, or land used in violation of this Code, shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

The City Administrator, acting on behalf of the City Council, shall have the authority to determine and designate a violation of this Code or a violation of the Conditions of Approval of a prior land use decision. The City Council shall have the authority to initiate or prosecute violations of this Code or any violations of a land use decision.

(1) **Remedy.** The City Administrator shall provide written notice to the property owner and to the tenant of the property where an alleged violation of this Code, or a violation of a previously issued land use decision has occurred before initiating any enforcement action under this Section.

(2) **Procedures.**

(a) Within 14 days after determination of a violation of this Code, the City Administrator shall notify the property owner and/or occupant in writing that a potential violation exists. Any such notice shall reasonably advise the property owner or occupant of the following:

1. A description of the activity, use or action deemed to be a violation of this Code or a violation of the Conditions of Approval of a prior land use decision.
2. The section of this Code or the prior land use approval deemed to be violated.
3. A list of the dates and/or times on which such violations were observed or known to have occurred.
4. A summary of the action the City believes is required to bring the property owner or occupant into compliance with this Code or prior land-use approval.
5. A summary of the potential penalties or legal consequences, including fines and reimbursement of the City's costs incurred in the enforcement action

for which the property owner or occupant may be held liable.

6. The time, date and location at which the property owner or occupant shall be afforded an opportunity to respond to the alleged violations and the procedure for an appeal to the City Council.

7. That immediate enforcement will be sought unless the violation is corrected or corrective action has been initiated within 20 days of the notice or within 10 days of the property owner or occupant's response to the City's Notice unless appealed to the City Council.

A defect in the notice of violation shall not prevent the enforcement of this Code.

(b) If necessary, the City Attorney shall be directed to take such legal action as required to insure compliance with this Code unless:

1. It has been demonstrated to the satisfaction of the City that the violation has been corrected, removed or corrective action has been initiated.

2. Or a court of competent jurisdiction has stayed enforcement pending the outcome of a proceeding before it, concerning the violation.

(3) **Penalty.** A violation of this Code may be the subject of criminal, civil, or other sanctions authorized by State Law or City Ordinances.

(a) In addition to, or in lieu of criminal actions, a violation of this Code or a permit issued herein may be the subject of a civil penalty to be recovered by a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

(b) Upon conviction of a civil violation of this Code, a fine up to \$ 750. may be imposed. Each day such violation continues beyond the ten (10) day Notice of Violation first provided by the City Administrator, will be considered a separate offense.

SECTION 1.190 FEES

The City of Tangent has determined that it is necessary to charge fees to cover the cost of processing applications presented to the City. These fees shall cover the actual cost required to process an application.

Fee Deposits shall be established by Resolution of the City Council. A Fee Deposit shall be paid by the applicant to the City at the time of submitting an application and shall be in addition to other fees established by county, state or federal regulations. The City will refund to the applicant the portion of the Fee Deposit not utilized in the cost of processing an application. Processing costs exceeding the Fee Deposit shall be due and payable by the Applicant prior to authorization of the development approval. The Cost of processing an application that has been denied by the City is not refundable.

The submitting of the application and paying of the cost of processing an application shall be the sole responsibility of the applicant. Any cost of processing an application that is not paid in full by the Applicant shall be a debt owed by the applicant to the City recoverable by civil action.

SECTION 1.200 DEFINITIONS

(1) **Rules of Construction.** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Code:

(a) **Tense:** Words used in the present tense include the future tense.

(b) **Number:** Words used in the singular include the plural, and words used in the plural include the singular.

(c) **Shall and May:** The word "shall" is mandatory; the word "may" is permissive.

(d) **Gender:** The gender may include the feminine, masculine and neuter which can mean any of those forms.

(e) **Headings:** If there is any conflict or inconsistency between the heading of an article, section or paragraph of this Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

(2) **Definitions.** The words and phrases used in this Code shall have the following meaning:

ABUT Contiguous to or immediately joined. For example, two lots with a common property line are considered to be abutting.

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

ACCESS MANAGEMENT Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

ACCESSORY STRUCTURE OR ACCESSORY USE A structure or use incidental, appropriate and subordinate to the primary use of property and located on the same property as the primary use.

ACCESSWAY A right-of-way or easement, not located within a street right-of-way, that provides a space for pedestrian and / or bicycle passage.

ADEQUATE ACCESS Reasonably direct routes of travel between destinations.

ADEQUATE AREA Space sufficient to provide all required public services to standards defined in this code.

ADVERSE IMPACT An impact that is detrimental to or contrary to the desired effect or so opposed as to cause harmful interference. A negative effect that is detrimental to the public welfare or injurious to people, property or the community environment.

AGRICULTURAL USE The cultivation of crops and the raising of livestock.

ALLEY A public way that affords only a secondary means of access to property.

ALTERATION Any change, addition or modification in construction or occupancy.

APPROVAL AUTHORITY The person or body authorized to make application decisions as summarized in Section 1.170 of this Code.

BASEMENT A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where the floor above the basement floor is more than 6 feet above the adjoining ground for more than 50% of the building perimeter.

BED and BREAKFAST FACILITY A dwelling where travelers are lodged for sleeping and dining purposes under the provisions of local or state law governing such facilities.

BICYCLE FACILITIES Facilities that provide for the needs of bicyclists, including bikeways and bicycle parking.

BIKEWAY The general term for the four basic types of bikeways:

- (a) **Bikes lanes** are paved 5 to 6-foot wide designated lanes adjacent to (vehicle) travel lanes.
- (b) **Shoulder Bikeways** are where bicyclists travel within the roadway's paved shoulder. Typically, shoulder bikeways are four to six feet in width.
- (c) **Shared Roadways** are roadways where bicyclists and motor vehicles share the travel lane.
- (d) **Multi-Use Paths** are separated from vehicular traffic. They are two-way pathways about 10 feet wide used by pedestrians, bicyclists and joggers.

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.

BUFFERING To lessen the impact between uses.

BUILDING Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT The vertical distance from the average adjacent finished building grade to the highest point of the roof.

BUILDING INSPECTOR A designated person with duties and authority to enforce all building codes and the provisions of this Code in accordance with **Section 2.200** Building Permits.

BUILDING LINE A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Also referred to as the Setback line. The area between the building or setback line and the property line is referred to as the "yard."

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.

CHURCH A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CITY The City of Tangent, Oregon.

CLINIC Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

CLINIC, SMALL ANIMAL A business establishment in which veterinary services are rendered to small domestic pets on an out-patient basis with no overnight boarding allowed.

CLUB A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

COMMUNITY CENTER A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of the City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY SEPTIC SYSTEM A sewage treatment and disposal system serving two or more dwelling units.

COMPREHENSIVE PLAN A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

COUNCIL The City Council of the City of Tangent, Oregon, which is the governing body of said City.

CURB ELEVATION The height above mean sea level of the established curb in front of a building measured from the center of such building front. Where no curb elevation has been provided, the City shall establish the curb elevation for compliance with City standards.

DAY NURSERY/DAY CARE CENTER Any institution, establishment or place, including nursery schools or private kindergartens, in which children are commonly cared for.

DECIDING AUTHORITY The City Administrator, City Planning Commission or City Council responsible for making a decision on an application.

DECLARANT The person who files a declaration under ORS 92.075.

DECLARATION The instrument described in ORS 92.075 by which a subdivision or partition plat is created.

DEVELOPMENT The making of any change to the use or appearance of land, buildings or structures, including dividing land or creating or terminating a right of access as defined by ORS 227.215.

DLCD Department of Land Conservation and Development.

DWELLING A building or portion thereof, which is occupied in whole or in part as a permanent home, residence, or sleeping place by one or more families including manufactured dwellings but excluding hotels, motels, and recreation vehicles.

DWELLING, MULTI-FAMILY (APARTMENT) A building or portion thereof designated for occupancy by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY A detached building, other than a recreational vehicle, designed for and occupied by not more than one family.

DWELLING, TWO-FAMILY (DUPLEX) A detached building designed for and occupied by not more than two families living independently of each other.

DWELLING UNIT A single unit providing complete independent living facilities, designed for occupancy by one family, and including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

FACT Something that has actual existence, an actual occurrence or a piece of information presented as having objective reality. In the Land Use Hearing Process, facts are the information submitted as evidence that is relied upon in making a decision on a land use issue. The justification for the decision shall be based on the criteria, standards and facts set forth in the hearing.

FARMING To engage in the cultivation of crops or the raising of animals. Farm Use as defined in ORS 215.203 including non-farm uses authorized by ORS 215.213 and ORS 215.283.

FARMLAND – HIGH VALUE In general, lands classified by the US Natural Resource Conservation Service (NRCS) as predominantly Class I through IV soils in Western Oregon.

FENCE, SIGHT-OBSCURING A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

FLOOR AREA The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.

FLOOR ELEVATION The height above mean sea level of the first floor of a building that is not a basement.

GARAGE, PRIVATE A fully enclosed detached accessory building or enclosed portion of the main building for the parking of automobiles of the occupants of the premises.

GARAGE, PUBLIC A building other than a private garage used for the care, repair, parking or storage of automobiles.

GRADE (GROUND LEVEL) The average elevation of the finished ground level 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 back edge of sidewalk elevation nearest the center of the wall shall constitute the ground level.

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 provided the use does not alter the character of the dwelling, there is no exterior display of stock and no employees other than residents of the household.

HOTEL/MOTEL A building or group of buildings used for transient lodging containing more than 5 guest rooms without guest room cooking facilities used primarily for sleeping purposes. On-site restaurant facilities may also be provided.

LCDC Land Conservation and Development Commission.

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 unit of land that is created by a subdivision of land.

MANUFACTURED DWELLING A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a "recreational vehicle" or prefabricated structure as defined by the State or Oregon.

MANUFACTURED DWELLING PARK Four or more Manufactured Dwellings located on a single parcel of land. Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code specifies the applicable design and construction standards.

NEARBY USES Activities or uses within 0.25 mile which can be reasonably expected to be used by pedestrians, and within 1 mile which can reasonably be expected to be used by bicyclist.

NEIGHBORHOOD ACTIVITY CENTERS Schools, parks, and other like sites.

NONCONFORMING STRUCTURE LOT OR USE A lawful existing structure, lot, or use, at the time this Code becomes effective which does not conform to the standards of the zone or district in which it is located.

OCCUPANCY The purpose for which a building, or part of a building, is used or intended to be used.

OWNER An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.

PARCEL A unit of land that is created by a partitioning of land.

PARKING SPACE An off-street enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile in conformance with the Off-Street Parking Standards contained in Drawing No's 235 and 236 of the **TPWDS**.

PARTITION Either an act of partitioning land or an area or tract of land partitioned.

PARTITION LAND To divide land into two or three parcels of land within a calendar year, but does not include:

- (a) A divisions of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning Code.
- (c) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan.

PEDESTRIAN CONNECTION A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges.

PEDESTRIAN WAY A right-of-way for pedestrian traffic.

PLANNING COMMISSION The Planning Commission of the City of Tangent.

PLAT A final subdivision plat, replat or partition plat.

(a) **Partition Plat:** A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

(b) **Subdivision Plat:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(c) **Replat:** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

PROFESSIONAL OFFICE An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

PROPERTY A lot or parcel, or a single unit of land which, at the time of application for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

(a) **Corner Property:** A lot or parcel at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135°.

(b) **Through Property:** A lot or parcel having frontage on two parallel or approximately parallel streets other than alleys.

(c) **Flag Property:** A lot or parcel which has access to a right-of-way by means of a narrow strip of land.

PROPERTY LINE The legal boundary of a lot or parcel. The division line between two units of land.

(a) **Front Property Line:** The lot or parcel line separating the property from a street other than an alley, and in the case of a corner property, the shortest property line along a street other than an alley.

(b) **Rear Property Line:** The lot or parcel line which is opposite and most distant from the front property line.

(c) **Side Property Line:** Any lot or parcel line not a front or rear property line.

PROPERTY LINE ADJUSTMENT The relocation of a common property line between two abutting properties.

PROPERTY WIDTH The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

PUBLIC AND SEMI-PUBLIC BUILDING OR USE A building or use, owned or operated by a religious, charitable, or other nonprofit organization; a public utility; or any social agency such as a church, school, auditorium, meeting hall, library, art gallery, museum, fire station, cemetery, park, playground, community center or similar use.

REASONABLY DIRECT A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

RIGHT-OF-WAY A continuous strip of land between property lines allowing a right of passage usually containing a street, railroad or other passageway and utilities.

RIPARIAN AREA The area immediately adjacent to surface water such as rivers, streams ponds, lakes, wetlands, and springs consisting of transition areas between an aquatic ecosystem to a terrestrial ecosystem.

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

SALE OR SELL A disposition or transfer land by contract or title in a subdivision or partition or an interest or estate therein.

SCREENING To shield, protect or block from view or impact between uses.

SERVICE STATION, AUTOMOBILE A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

SETBACK A line within a property boundary defining a locational limit for buildings, structures or other defined uses that creates an area or yard between the property line and the setback line.

SEWAGE DISPOSAL SYSTEM Any approved method of sewage treatment including but not limited to a municipal system, septic tank and drainfield and sand filter systems.

SIDEWALK A pedestrian walkway with permanent surfacing.

SIGN Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes or identification.

STORY That portion of a building between the surface of any floor and the surface of the floor above, except that the top story is between the surface of the topmost floor and the ceiling above.

STORY, HALF Shall mean any split-level, basement or cellar which has less than six (6) feet of its height above grade. (See basement).

STREET OR ROAD A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "drive" "avenue," "alley" or similar designations.

(a) **Arterial:** A street of considerable continuity which is primarily a traffic artery for interconnection between large areas.

(b) **Collector:** A street supplementary to the arterial street system and a means of interconnection between arterials; used for through traffic and access to small areas.

(c) **Local Street:** A street intended primarily for access to abutting properties.

(d) **Cul-de-sac:** A short dead-end street terminated by a vehicular turnaround.

(e) **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

(f) **Limited Access Street:** A means of access to property that is limited by law for public roads or by posting by an owner for private roads.

STRUCTURAL ALTERATION Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

STRUCTURE That which is built or constructed, an edifice or building of any kind, or any physical work built up of parts joined together in some definite manner.

SUBDIVIDE LAND To divide an area or tract of land into four or more lots within a calendar year.

SUBDIVISION Either an act of subdividing land or an area or tract of land subdivided.

TANGENT PUBLIC WORKS DESIGN STANDARDS (TPWDS) The City's adopted standards for the construction of public improvements including streets, stormwater, sanitary sewers and water facilities that provide an adequate service level for existing and future development.

TANGENT TRANSPORTATION SYSTEM PLAN (TTSP) The City's adopted transportation plan that establishes a coordinated network of transportation facilities adequate to meet identified local transportation needs consistent with state and regional needs.

TENTATIVE PLAN A tentative plan is the application, supplemental data and map showing the general design of the proposed subdivision or partition, submitted to the City for approval under the provisions of **ORS 92** and **Section 2.320** of the Tangent Development Code.

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

WETLANDS 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.

WETLANDS – JURISDICTIONAL A wetland subject to rules and regulations identified in Section 404 of the US Clean Water Act and Oregon's fill and removal statute.

YARD

(a) **Exterior Yard** A yard area abutting a street right-of-way created by a setback line.

(b) **Interior Yard** A yard area adjacent to a property line created by a setback line that may be either a side yard or rear yard abutting another property.

(c) **Rear Yard** An interior yard opposite the Front Yard.

(d) **Front Yard** An exterior yard facing a street. For corner lots the smallest street facing dimension shall be the front of the property.

ZERO PROPERTY LINE A lot or parcel line having no setback therefrom and may equally divide a common wall in a building.

ARTICLE 2

APPLICATION PROCEDURES

SECTION 2.110 PRE-APPLICATION CONSULTATION WITH CITY STAFF

An applicant may request an informal review of a proposal prior to application to determine the general feasibility of the proposal. There are no fees for an informal review. The applicant should submit a brief description and a sketch drawing of the proposed development to the City for preliminary consultation. The City will inform the applicant of the procedural requirements and any conditions and polices of public agencies that may be pertinent to the proposal. The applicant may proceed with an application or the City may suggest a pre-application conference with City Staff and affected agencies to assist the applicant in preparing the application. A Pre-Application Consultation shall be conducted within 30 days following receipt of the request and the descriptive information. This consultation is for information purposes and any statement or representation by City Staff in pre-application consultation shall not bind the City in later processing of an application.

SECTION 2.120 PRE-APPLICATION CONFERENCE WITH AFFECTED AGENCIES

Within 30 days after the pre-application consultation, the City Administrator may schedule a pre-application conference with the applicant and representatives of the City and other affected public and private agencies to further clarify the conditions and requirements necessary in the preparation of the application. There is a Pre-Application Conference Fee in conformance with **Section 1.190**.

SECTION 2.130 APPLICATION PROCEDURE

Following preliminary consultation and the pre-application conference, where applicable, the applicant may prepare an application together with other supplementary data required to clearly describe the proposed development and the decision requested of the City.

- (1) Applications, Petitions and Appeals provided for in this Code shall be made on forms prescribed by the City. Forms are available at the Tangent City Hall.
- (2) Applications shall be accompanied by narrative descriptions, an Application Site Plan in conformance with **Section 2.140** if required, building plans, maps, specifications and any other information that clearly describe the request and the applicable City Code sections that may apply to the request.
- (3) The City will consolidate applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and decision process of those required in the application. The total fee shall be the sum of all individual procedural fees with the

exception that a Site Plan Review Fee shall not be charged in addition to other fees.

- (4) The applicant shall provide the City with a list of property owners of record within 100 feet of the property that is the subject of the review or hearing.
- (5) Applications shall include the application form, site plan together with all documents, evidence and supplemental information relied upon by the applicant. The City may require the applicant to provide additional copies of all application materials. A Review or Hearing will be scheduled not earlier than 30 days from the date the Application is deemed complete.
- (6) All Applications shall be available to the public and notifications will be mailed by the City twenty (20) days prior to the review or hearing meeting.
- (7) An application and review fee shall accompany the application request as set in accordance with **Section 1.190**.
- (8) Staff reports used at the review or hearing shall be available at least seven (7) days prior to the review or hearing.
- (9) The City shall comply with **ORS 227.178** and take final action on an application, including resolution of all local appeals, within 120 days after the application is deemed complete. If an application is incomplete, the City shall notify the applicant within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete if the applicant supplies the missing information, or if the applicant refuses to submit the missing information, it shall be deemed complete on the 31st day after the application is received by the City.

If an application is complete when first submitted or if the applicant submits the requested missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- (10) The 120 day period specified in subsection (9) may be extended for a reasonable time at the request of the applicant.
- (11) The 120 day period specified in subsection (9) does not apply to an amendment to this Code.
- (12) The Applicant bears the responsibility and burden of proof for the requested action.

- (13) The Application and the decision of the City shall be maintained by the City in a Record File of the Application. Notice of Decision shall be given the Applicant and other participants in the proceedings as specified in **Section 3.300**.
- (14) Expiration. Approved applications shall be void 1 year after the date of approval unless a building permit has been issued, or site construction has begun, or a time period was specified as a condition of approval. However, upon written request, the Deciding Body may extend authorization for an additional period of time up to 1 year.
-
- (15) Limitation. No request for a land use application shall be considered by the City within a one-year period immediately following a denial of such request, except the City may consent to a new hearing, if in the opinion of the Deciding Body, new evidence of a change of circumstance warrant it.
- (16) The specific requirements and decision process for each application procedure are contained in the Sections of this Article which follow.

SECTION 2.140 APPLICATION SITE PLAN

Applications for land divisions or land use requests that require a site plan shall be drawn to scale on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be submitted for presentation and City review. Drawings shall indicate clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application. (X) out the number of non-applicable information.

- (1) The names of the owner(s) and applicant if different.
- (2) The property address or geographic location and the Assessor Map number and Tax Lot number.
- (3) The date, scale and northpoint.
- (4) A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- (5) Lot dimensions.
- (6) The location, size, height and uses for all existing and proposed buildings.
- (7) Yards, open space and landscaping.
- (8) Walls and fences: location, height and materials.
- (9) Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- (10) Access: pedestrian, vehicular, service, points of ingress and egress.
- (11) Signs: location, size, height and means of illumination.
- (12) Loading: location, dimension, number of spaces, internal circulation.
- (13) Lighting: location and general nature, hooding devices.
- (14) Street dedication and improvements.
- (15) Topographic features including existing and proposed grades, trees, and vegetation.

(16) Water systems, drainage systems, sewage disposal systems and utilities.

(17) Drainage ways, water courses, flood plain and wetlands.

(18) The number of people that will occupy the site including family members, employees or customers.

(19) The number of generated trip-ends per day from each mode of travel by type: employees, customers, shipping, receiving, etc. A Traffic Impact Study may be required for some developments in conformance with **Section 5.122(6)(a)6**.

(20) Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.

(21) Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.

Uses, other than residential uses, that possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.

All uses shall comply with the applicable standards and regulations of local, state or federal agencies having regulatory jurisdiction. City approval of a land use application, shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by the regulatory agencies having jurisdiction on an issue.

(22) Such other data as may be necessary to permit the deciding authority to make the required findings.

SECTION 2.150 RECORD FILE

The City shall maintain an official Record File of each application containing all relevant data, drawings, dates, notices, hearings, postponements, continuances, decisions, appeals and minutes of all meetings pertaining to the application.

(1) Minutes of all meetings, reviews and hearings shall record the substance of all issues before the review or hearing body. Summary written minutes

shall be maintained in the Record file. The minutes and records need not be a verbatim transcript of the meeting.

- (2) Proceedings may be recorded either stenographically or electronically although a verbatim record is not required. Minutes may be summarized from the transcript or tape.
- (3) Testimony may be transcribed at the expense of the requesting party, if required for judicial review or local appeal proceedings. The transcribing fee may include all actual costs as authorized by state law.
- (4) The staff report and recommendation shall be included in the Record File.
- (5) The review or hearing body shall, where practical, retain as part of the record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the Record file until after all appeal periods have expired, at which time the exhibits may be released.
- (6) The public shall have access to the Record File of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the cost set by City Resolution in accordance with ORS 192.

SECTION 2.200 BUILDING PERMITS

- (1) Building Permits are issued by the City and administered by the Linn County Building Department. Building Permits issued by the City also require approval by the Linn County Building Department. Linn County Building Inspection provides all construction administration services.
- (2) Building Permits may be issued following City and County approval for **Permitted Uses** not requiring a Review or Public Hearing by the Tangent Planning Commission or City Council.
- (3) Application for Building Permits requiring a land use decision including: Site Plan Reviews, Conditional Uses, Variances, Nonconforming Uses, or Zone Change Amendments shall be approved by the City prior to submittal to Linn County. The City shall request the County to withhold the Certificate of Occupancy until compliance with the Conditions of Approval required in the land use decision.

The Applicant may make application for a Building Permit prior to land use approval if the Applicant agrees in writing to pay all Building Permit fees should the land use decision be denied. Any proposed change in the approved plan or use shall be resubmitted to the City as a new application. Building Permits for an approved land use decision shall not be issued until the appeal period, as specified under **Section 3.700**, has passed.

- (4) Each application for a building permit shall comply with the latest adopted edition of the "State of Oregon Structural Specialty Code" or any Residential Building Code adopted by the County. Applications shall describe the work and proposed use and occupancy and include site and building plans, drawn to scale, construction details, specifications, computations and such other information as may be required by the Linn County Building Official.

SECTION 2.300 LAND DIVISIONS

SECTION 2.310 PROPERTY LINE ADJUSTMENTS

- (1) **Purpose.** A property line adjustment is a relocation of a common property line between abutting properties when both parties agree. A property line adjustment shall not create an additional lot or parcel, reduce a lot or parcel in size below the minimum size specified for the zone, or create a violation of development standards on either lot or parcel.
- (2) **Application.** A property line adjustment may be submitted for review and approval by the City Administrator without preliminary consultation, a land division conference, or a hearing where the adjustment complies with **Section 2.311 and 2.312.**
- (3) **Information.** The City may require additional copies of the proposed map of the property line adjustment together with other supplementary data required for recording or specified herein as required for review and action by the deciding authority.

SECTION 2.311 PROPERTY LINE ADJUSTMENT REQUIREMENTS

All property line adjustment requests shall contain the following information:

- (1) The property to be adjusted shall comply with **ORS 92** for Property Line Adjustments.
- (2) A map clearly and legibly drawn to scale with the scale indicated.
- (3) The title "Property Line Adjustment for, " the date and northpoint.
- (4) Name and address of the record owner(s) of the property to be adjusted.
- (5) Assessor Map and Tax Lot numbers and approximate acreage or square feet of each property prior to and after adjustment.
- (6) The location and boundary dimensions and other information to accurately locate the adjusted property line.
- (7) Existing conditions for land within the properties to be adjusted:
 - (a) The locations, names and widths of existing streets.
 - (b) The location, width and purpose of existing or proposed easements.

- (c) The approximate location of buildings, public and private utilities, drainage ways and other significant features that would affect development of the adjusted properties.

SECTION 2.312 DECISION CRITERIA

A Property Line Adjustment may be approved based upon compliance with the submittal requirements specified above and the following findings:

- (1) The adjustment will not create an additional unit of land.
- (2) The adjustment will not create a land-locked parcel.
- (3) The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code and will not create a non-conforming lot or non-conforming development.
- (4) The adjustment shall comply with any previous Conditions of Approval attached to the properties to be adjusted.
- (5) The adjustment shall comply with all state and county recording requirements.

SECTION 2.313 DECISION PROCESS

- (1) A Property Line Adjustment does not require a Limited Land Use Decision or Notifications. The City Administrator may consider a Property Line Adjustment at any time following submittal of the application.
- (2) If the proposed Property Line Adjustment is consistent with City land use standards, the City Administrator may approve the map as submitted, approve with conditions or deny the request for noncompliance.
- (3) If the application requires a Variance or the establishment or relocation of an Easement, or requires interpretation or the exercise of policy, the decision shall be placed before the Planning Commission which shall hold a public hearing in conformance with the Quasi-judicial Public Hearings requirements of **Section 3.510**.

SECTION 2.314 PROPERTY LINE ADJUSTMENT FILING

- (1) Deeds or conveyances for all lots or parcels conforming to the approved Property Line Adjustment shall be filed with the County Clerk in accordance with **ORS 92.190, subsections (3) and (4)**.
- (2) Upon approval or denial, a Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Property Line

Adjustment as specified in **Section 3.600**. The Applicant may modify the proposed Property Line Adjustment for compliance with the required conditions or may request an Appeal to the Planning Commission within 10 days of the Notice of the City Administrator's decision or to the City Council within 10 days of the Notice of the Planning Commission's decision in conformance with **Section 3.700**.

- (3) Copies of all recorded deeds, conveyances and filed surveys shall be provided to the City for inclusion in the Record File of the Application, in accordance with **Section 2.150**.

SECTION 2.320 SUBDIVISION OR PARTITION TENTATIVE PLAN

- (1) The Planning Commission shall be the deciding authority for all Land Partition and Subdivision Tentative Plans under the provisions of this Code unless combined with another request requiring City Council approval, or if appealed to the City Council. In the event that a consolidated application requires more than one decision, the highest deciding authority will make all decisions requested in the application.
- (2) The Planning Commission shall hold a Limited Land Use Review for all Partition requests and shall hold a Quasi-judicial Public Hearing on all Subdivision requests. A consolidated request including a Variance shall also require a Quasi-judicial Public Hearing in conformance with **Section 2.600**.

SECTION 2.321 SUBMISSION REQUIREMENTS

A land divider shall prepare a Tentative Plan together with improvement plans and other supplementary material as may be required to clearly present the scope, ideas and objectives of the project. The Applicant shall submit 3 copies of an 18x24 inch drawing together with 3 master copies of an 11x17 inch Tentative Plan and supplementary data for reproduction and distribution purposes. All required materials shall be submitted to the City Administrator 30 days prior to the Planning Commission meeting at which consideration of the Tentative Plan is desired following preliminary consultation as recommended in **Sections 2.110 and 2.120**.

SECTION 2.322 FORM AND SCALE

The Tentative Plan shall be clearly and legibly drawn on a sheet sizes of 11x17 inches and 18x24 inches to a scale of 1 inch equals any multiple of 10 feet (1 inch equals 10, 20, 30, 40, 100 feet, etc.) The scale shall be the largest scale that will fit the sheet size, but in all cases the scale to be used shall be in multiples of 10 feet.

SECTION 2.323 GENERAL INFORMATION

The following information shall be provided on all Tentative Plans:

- (1) All information required by **ORS 92** for a Tentative Plan including, but not limited to, the following.
- (2) No Tentative Plan shall be approved that bears a name using a word that is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the subdivision bearing that name or unless the party files and records the consent of the

party that Platted the subdivision bearing that name. All Plats must continue the lot and block numbers of the Plat of the same name last filed.

Subdivisions submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

- (3) Date, northpoint, scale of drawing.
- (4) Appropriate identification clearly stating the map is a subdivision or partition Tentative Plan.
- (5) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
- (6) Names and addresses of the owner, applicant and surveyor.
- (7) The approximate acreage of the tract being subdivided or partitioned, and the size of proposed lots or parcels.

SECTION 2.324 EXISTING CONDITIONS INFORMATION

- (1) The names and addresses of all owners of property within 100 feet of the proposed land division.
- (2) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other right-of-ways and other important locational information such as section lines, corners, city boundary lines and monuments.
- (3) The location of all existing sewers, septic tanks and drainfields, water lines, storm drains, culverts, ditches and utilities, together with elevational data, on the site and on adjoining property or streets.
- (4) The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

<u>Contour Intervals</u>	<u>Ground Slope</u>
One Foot	Up to 5%
Two Feet	Over 5% through 10%
Five Feet	Over 10%

Exception: The deciding authority may approve slope indications for partitions by means of arrows or other suitable symbol together with not less than four spot elevations per acre evenly distributed for slopes of less than five percent (5%).

- (5) The location of at least one bench mark control point within the tract boundaries.
- (6) The location and direction of all on-site and off-site drainage, drainage channels, water courses and the location of all areas subject to flooding.
- (7) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees. Lands that are wholly or partially within areas identified as wetlands or riparian areas on the Tangent Local Wetland and Riparian Area Inventory shall be clearly delineated for review and permit by the Division of State Lands.
- (8) Existing uses on and adjacent to the property, including the location of all existing structures to remain on the property after the land division.
- (9) Zoning on and adjacent to the property to be divided.

SECTION 2.325 PROPOSED PLAN INFORMATION

- (1) A vicinity map clearly showing the relationship and connections of the proposed land division to surrounding developments, streets, storm drainage, sewer, septic tank and drainfield, water and utility services.
- (2) The location, width, name and approximate grade and curve radii of proposed street. The relationship of proposed streets to existing streets and any projected future streets shown on the City's Comprehensive Plan or Official Street Map.
Streets proposed for public dedication and streets held for private use shall be clearly indicated and all reservations or restrictions relating to such private streets shall be included in the statements specified in **Section 2.326**.
- (3) The location, width, and purpose of existing and proposed easements.
- (4) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.
- (5) The location and approximate dimensions of lots or parcels and the proposed lot or parcel numbers. Where large property divisions are proposed that may be redivided in the future to smaller residential lots or parcels, the applicant shall provide a sketch plan showing the redivision configuration.

- (6) An outline of the areas proposed for partial recording of a final Plat and a time schedule for additional Platting if staged recording is proposed.
- (7) A general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.
- (8) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (detention ponds, swales, etc.) and contamination protection (settling basins, separators, etc.).
- (9) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas in conformance with **Section 7.400**.
- (10) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mail boxes, bus stops, greenways, bike or pedestrian paths.

SECTION 2.326 ACCOMPANYING STATEMENTS

The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

- (1) Identify the adequacy and source of water supply including:
 - (a) Certification that water will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or
 - (b) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City Council.
- (2) Identify the proposed method of sewage disposal including:
 - (a) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or
 - (b) A bond, contract or other assurance by the applicant that a sewage disposal system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of

such bond, contract or other assurance shall be determined by the City.

- (3) Protective covenants, conditions and deed restrictions (CC&R'S) to be recorded, if any.
- (4) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas in conformance with **Section 7.400**.
- (5) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.
- (6) A statement that the declarations required by **ORS 92.075** on the final Plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.
- (7) Proposed staged subdivisions or serial partitions shall be clearly identified on the application. A time schedule for future Platting shall also be submitted. The deciding authority may require a specific time schedule for approval. All future Plats shall conform to the adopted ordinance requirements applicable at the time of Platting.

SECTION 2.327 SUPPLEMENTAL INFORMATION

The following information is required by the City to supplement the Tentative Plan information but may be waived by the City Administrator for the Tentative Plan under the condition that the information is provided prior to acceptance of the Final Plat.

- (1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.
- (2) A detailed plan of the domestic water supply lines and related water service facilities.
- (3) A detailed plan of the sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
- (4) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.
- (5) Specifications and details of all proposed improvements.

- (6) Wetland delineation if identified as an existing condition in **Section 2.324, Subsection (7)**.

SECTION 2.328 DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.
- (2) That the proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division.
- (3) That the proposed land division complies with the standards and requirements of **ORS Chapter 92** and the recording requirements of the Linn County Surveyor.
- (4) That the proposed development or use does not have an adverse impact on pedestrian, bicycle and vehicular safety and complies with the Tangent Transportation System Plan (**TTSP**) and the Tangent Public Works Design Standards (**TPWDS**).
- (5) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Tangent Public Works Design Standards (**TPWDS**).
- (6) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.
- (7) That the proposed development or use does not have an adverse impact on drainage-ways serving adjacent properties and that required drainage facilities are provided that have the capacity to support the proposed development or use.
- (8) That emissions and potential nuisance characteristics from the proposed development or use complies with the applicable standards of all regulatory agencies having jurisdiction and will not have an adverse impact on adjacent properties.
- (9) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.
- (10) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

- (11) That the natural site features identified in **Section 2.324 (7)** have been given consideration for preservation and utilization in the development.

SECTION 2.329 DECISION PROCESS

- (1) Upon receipt of an Application and Tentative Plan, the City shall furnish one copy of the Tentative Plan and supplementary material to the Fire District and other agencies known to be affected. Agencies notified shall be given 14 days to review the plan and submit written comments. Notification to the Division of State Lands for identified wetlands shall require 30 days for review in accordance with **ORS 227.350, Subsection (4)**.
- (2) A Partition requires a "Limited Land Use Review" in conformance with **Section 3.400**. A Subdivision requires a Quasi-judicial Public Hearing in conformance with **Section 3.510**. All Land Divisions require notification to owners of property within 100 feet of the subject property at a minimum. The public may submit written comments prior to or at a Review and may submit written or oral comments at a Hearing.
- (3) The deciding authority shall consider the Tentative Plan proposal and any written comments at the first regular meeting following the 14 day review period.
- (4) If the Application includes a Variance request, the Tentative Plan and Variance will be considered together as provided in **Section 2.130 (3)** and the Decision Criteria for the Variance shall apply as specified in **Section 2.600 (2)**.
- (5) The deciding authority shall hold a public hearing on a Tentative Plan and Variance request in conformance with the Quasi-judicial Public Hearing requirements of **Section 3.510**. A public hearing may also be held on a Tentative Plan if requested or if the deciding authority determines that conditions may present possible adverse effects on adjacent properties or within the land use zoning district.
- (6) The deciding authority may continue the review or hearing for good cause.
- (7) If the proposed Land Division does not conflict with the Comprehensive Plan and City land use standards, the deciding authority shall approve the Tentative Plan as submitted or as modified to achieve compliance.
- (8) If the proposed land division requires modification to certain features in order to comply with City land use standards, the deciding authority may

approve the Tentative Plan with specified Conditions of Approval to achieve compliance with the intent of City land use standards.

- (9) If the proposed land division does not comply with City land use standards even with conditions of approval, the deciding authority shall deny the request.
- (10) Approval of the Tentative Plan shall indicate approval of the Final Plat if there is no change in the plan of the land division and if the applicant complies with the requirements of this Code and any conditions of approval specified by the deciding authority.
- (11) The action of the deciding authority shall be noted on two copies of the Tentative Plan and any attached documents describing conditions. One copy shall be returned to the applicant and the other shall be retained by the City.
- (12) A written record of the findings and action of the City shall be maintained by the City in a Record File of the Application as specified in **Section 2.150**. Notice of Decision shall be given the Applicant and other parties to the proceedings together with any conditions of approval for the proposed land division as specified in **Section 3.600, Decision**.

SECTION 2.330 SUBDIVISION OR PARTITION PLAT

SECTION 2.331 SUBMISSION REQUIREMENTS

Within one year after approval of the Tentative Plan, the land divider shall begin construction of any required public improvements. Following acceptance by the City of any public improvements the land divider shall cause the land division or any part thereof to be surveyed and a Plat prepared in conformance with the Tentative Plan as approved. If the land divider wishes to proceed with the land division public improvements after the expiration of the one-year period following the approval of the Tentative Plan, the land divider shall resubmit the Tentative Plan and make any revision necessary to comply with changed conditions. The land divider shall submit the exact duplicate transparency and five prints of the completed Plat to the City for review and approval.

SECTION 2.332 FORM AND SCALE

The final Plat shall be submitted in the form prescribed by **ORS 92** and the county recording standards. The scale of the final Plat shall be one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the required size of 18 by 24 inches, but in all cases the scale used shall be in multiples ten (10) feet.

SECTION 2.333 INFORMATION REQUIRED

In addition to that otherwise specified by law, the following information shall be shown on the final Plat.

- (1) The name of the owner(s), land divider, surveyor and land division. The date, scale, northpoint, legend and existing features such as creeks, drainage courses, highways and railroads.
- (2) Reference to Federal Geodetic Control Committee guidelines for third order class II, points of existing surveys identified, related to the Plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division.
 - (b) Adjoining corners of adjoining land divisions.
 - (c) Other monuments found or established in making the survey or required to be installed by provisions of this Code.
- (3) The exact location and width of streets, right-of-ways and easements intercepting the boundary of the tract.
- (4) Tract and lot or parcel boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (5) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
- (6) Easements denoted by fine dashed lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the Plat or map, it shall be properly referenced in the owner's certificates of dedication.

- (7) Locations and widths of drainage channels including one hundred year flood plain or normal high water lines for any creek or other body of water, railroad rights-of-ways, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the land division.
- (8) Numbering of lots or parcels shall begin with the number "1" and numbered consecutively. Number sequence to generally follow the same system as sections are numbered in a township.
- (9) Lots or parcels to be dedicated for any purpose shall be distinguished from lots or parcels intended for sale with acreage and alphabetic symbols for each parcel indicated.
- (10) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the City.
- (11) Special building setback lines and solar easements, if any, which are to be made part of the Deed Covenants Conditions and Restrictions (CC&R's) of the land division.

SECTION 2.334 SUPPLEMENTAL INFORMATION WITH PLAT

Filing of separate legal documents to achieve any of the requirements of the Final Plat may be permitted by the City when it can be shown that placing such information on the final Plat is not required to achieve the purposes of this Code. The following data shall accompany the Plat.

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the land to be divided.
- (2) Legal descriptions of the land division boundaries if available at the time of Final Plat approval.
- (3) Data sheets and drawings showing the following:
 - (a) Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - (b) The computation of distances, angles and courses shown on the Final Plat.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

- (4) A copy of any deed CC&R's (Covenants, Conditions and Restrictions) proposed by the Applicant or required by the City that are applicable to the land division. All CC&R's shall be in conformance with state and federal law. If there are no proposed or required CC&R's, the property owner shall submit a signed statement that no CC&R's are required and none will be established.
- (5) A copy of any dedication requiring separate documents.
- (6) Proof that all taxes and assessments on the tract have been paid.
- (7) A certificate by the City that the land divider has complied with one of the following alternatives:
 - (a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the Tentative Plan.
 - (b) An agreement has been executed as provided in **Sections 7.510 and 7.520** to assure completion of required improvements.

SECTION 2.335 SURVEY REQUIREMENTS

- (1) A complete and accurate survey of the land to be divided shall be made by a registered surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as provided in this Code and state law including **Oregon Revised Statutes, Chapter 92 and Chapter 209**.
- (2) Monuments
 - (a) All monuments shall be set according to the provisions of state law.
 - (b) In making the survey for the land division, the survey shall set sufficient permanent monuments prior to the recording of the final Plat so that the survey or any part thereof may be retraced according to standards required by the County Surveyor except interior monuments of subdivisions may be delayed with approval of the Planning Commission.
 - (c) Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the Tentative Plan or upon special request prior to filing the final Plat subject to the following:
 1. The Subdivider has shown that it is necessary and practical to delay the interior monumentation.

2. The Subdivider of the Plat agrees to furnish a bond, cash deposit, irrevocable letter of credit issued by a commercial bank as defined in **ORS 706.005**, or other security approved by the City in an amount equal to not more than 120 per cent of the estimated cost of performing the work for the interior monuments.
 3. That the Subdivider will sign an agreement with his surveyor and the City as to the amount of the security to be furnished at the time of submitting the final Plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation shall be followed; establish a date when monumentation will be completed, and set out other particulars that may be necessary to insure the completion of the monumentation at a later date.
- (3) Utility Markers
- Permanent markers shall be provided for all underground water, sewer, septic tanks and drainfields and utility stubs within the prepared land division as approved by the City.

SECTION 2.336 DEDICATION REQUIREMENTS

- (1) All lots or parcels of land shown on the final Plat intended for public use shall be offered for dedication to the City at the time the Plat is filed except those lots or parcels, or common linear open spaces that are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees; and those parcels of land reserved for public acquisition under the provisions of **Section 7.400** of this Code.
- (2) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights-of-way shown on the final Plat intended for public use shall be offered for dedication for public use at the time the final Plat is filed.
- (3) All rights of access to and from streets, lots and parcels of land shown on the final Plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.
- (4) The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

SECTION 2.337 CERTIFICATES ON FINAL PLAT

- (1) Certificates on the Final Subdivision or Partition Plat: The following certificates, declarations, acknowledgments and other requirements established by State law shall appear on the final Plat of a subdivision.
 - (a) A declaration in conformance with **ORS 92.075** on the final Plat by the declarant - the fee owner, vendor and/or the mortgage or trust deed holder of the property who has caused or consented to the following:
 1. Preparation and recordation of the final Plat.
 2. Offering for dedication all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use.
 3. Protective Covenants, Conditions or Restrictions on the use of lots or parcels, right-of-ways and easements.
 - (b) A certificate of the registered licensed surveyor who prepared the survey and the final Plat.
 - (c) A certificate for execution by the City Administrator.
 - (d) A certificate for execution by the County Surveyor.
 - (e) A certificate for execution by the County Assessor.
 - (f) A certificate for execution by the County Clerk.
 - (g) Other certifications now or hereafter required by law.
 - (h) A statement of water rights together with the water rights certificate number if applicable.
- (2) All signatures on the Plat shall be in permanent black India type ink in conformance with **ORS 92.080**.
- (3) All copies required for filing purposes shall be certified as an exact copy by the surveyor who prepared the Plat in accordance with **ORS 92.120, Subsection (3)**.

SECTION 2.338 DECISION CRITERIA

A final Plat of a subdivision or partition may be approved based upon compliance with the submittal requirements specified above and the following findings:

- (1) The final Plat is in substantial conformance with the Tentative Plan.
- (2) The Conditions of Approval attached to the Tentative Plan have been satisfied.

SECTION 2.339 DECISION PROCESS

- (1) Upon receipt by the City, the submitted Final Plat and other data shall be reviewed by the City Administrator or designee to determine that the land division as shown is substantially the same as it appeared on the approved Tentative Plan and that there has been compliance with provisions of law and this Code and any Conditions of Approval attached to the Tentative Plan.
- (2) The City may make such checks in the field as are desirable to verify that the submitted Final Plat is sufficiently correct on the ground and City representatives may enter the property for this purpose. Certifications of the County Surveyor shall be used to determine that the plat survey is technically correct.
- (3) If the City Administrator determines that the submitted Final Plat conforms to the approved Tentative Plan, including all supplemental documents, provisions for required improvements and all conditions specified by the Planning Commission; approval shall be indicated by the signature of the City Administrator. The approval of the submitted Final Plat does not constitute or effect an acceptance by the City of the dedication of any street or other easements offered on the plat until officially accepted by the City.
- (4) If the City Administrator finds errors or finds that the submitted Final Plat does not substantially conform to the approved Tentative Plan, the City Administrator shall notify the Planning Commission and shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make corrections. The corrected Final Plat shall be resubmitted to the Planning Commission for verification of compliance with the approved Tentative Plan.

SECTION 2.340 FILING OF PLAT

- (1) The land divider shall, without delay, submit the Final Plat for signatures of public officials required by this Ordinance or state law. Approval of the Final Plat shall be null and void if it is not recorded within 120 days after approval by the City Administrator.
- (2) The land divider shall deliver to the City a signed and certified copy of the Final Plat and all recorded documents required and approved by the City. The City shall maintain the documents in the Record File of the Application in accordance with **Section 2.150**.

- (3) The land divider offering a plat for filing to which a water right is apparent shall also submit a copy of the Final Plat to the State Water Resources Department as required by **ORS 92.120**.

SECTION 2.350 REPLATTING

- (1) Replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded Plat in accordance with ORS 92.180 to 92.190. A replat shall conform to all of the requirements of the City for a subdivision or partition of land including approval of a Tentative Plan unless approved as a Property Line Adjustment as described in **Section 2.310** of this Code. Upon approval by the City, the replat will act to vacate the Platted lots or parcels and easements within the replat area.
- (2) Notice consistent with that required for approval of a Tentative Plan shall be provided by the City. All affected utility companies or public agencies shall also be notified. Utility companies desiring to maintain easements proposed for vacation shall notify the City within 14 days of the mailing of the notice.

SECTION 2.360 EXPEDITED LAND DIVISIONS

When an expedited land division for residential use only is requested by an Applicant, the City shall use the procedures for an expedited land divisions specified under **ORS 197.365** in lieu of the procedures described in **Sections 2.320 through 2.329** if the application complies with the conditions and standards of **ORS 197.360 through 197.380**.

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SECTION 2.400 SITE PLAN REVIEW

The purpose of the site plan review procedures is to correlate the Code standards and requirements with the specific site conditions and proposed uses through a comprehensive review process to assure that developments are in conformance with the City's applicable land use regulations. A Site Plan Review is required for all new commercial or industrial developments and for existing commercial or industrial developments where a change of use is proposed.

- (1) **Site Plan Review Application.** An application for a use requiring a Site Plan Review shall be filed with the City together with a site plan and other supplementary data described in the Application, **Section 2.130** and the Application Site Plan, **Section 2.140**.
- (2) **Decision Criteria.** After an examination of the Site and prior to approval, the Planning Commission must make the following findings:
 - (a) That the proposed development or use does not conflict with the City's Comprehensive Plan.
 - (b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.
 - (c) That the proposed development or use does not have an adverse impact on pedestrian, bicycle and vehicular safety.
 - (d) That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.
 - (e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use.
 - (f) That the proposed development or use does not have an adverse impact on drainage-ways and required drainage facilities are provided that have the capacity to serve the proposed development or use.
 - (g) That emissions and potential nuisance characteristics from the proposed development or use will not have an adverse impact on adjacent properties and potential adverse impacts on adjacent properties have been mitigated to the maximum extent possible.
 - (h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

- (3) **Decision Process.** The procedure for taking action on an application for a Site Plan Review shall be as follows:
- (a) A Site Plan Review requires a "Limited Land Use Review" by the Planning Commission in conformance with **Section 3.400**. A Limited Land Use Decision requires notification to owners of property within 100 feet of the subject property with an opportunity to submit written comments prior to the review and decision by the Planning Commission.
 - (b) The Planning Commission may approve, disapprove, or modify and approve the Site Plan and attach any reasonable conditions to approval of a site development plan.
 - (c) The Planning Commission may also call for a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City.
 - (d) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance.
 - (e) All required elements of the approved site plan shall be installed and maintained indefinitely by the owner, unless approval has been received for a revision or amendment.
 - (f) Revisions or amendments to an approved site plan shall follow the same procedure as for adoption of a site development plan.

SECTION 2.500 CONDITIONAL USES

A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health or safety problem. It is the intent of this section to provide standards and procedures so that uses that are classified as conditional can fit into a particular zone in a manner that safeguards surrounding property, the neighborhood, and the City.

The City Administrator may also request a Conditional Use for any development proposal, in addition to those specifically required by this Code, if the site or proposed use possess any one of the following characteristics:

- (a) The property is traversed by a natural drainage-way or has demonstrated drainage limitations.
 - (b) The property includes, or is adjacent to, Open Space and/or Greenway Areas designated in the Comprehensive Plan.
 - (c) The property is located in a hazard area.
 - (d) The property contains unusual topographic features including hillside slopes exceeding 15% slopes.
 - (e) The property, proposed development or use has unusual or special features that will not permit the development to fully comply the standards of this Code or where the proposed development or use pose potential adverse impacts on adjacent properties that may require mitigation.
- (1) **Conditional Use Application.** An application for a use requiring a Conditional Use must be filed with the City together with a site plan and other supplementary data using forms described in the Application, **Section 2.130** and the Application Site Plan, **Section 2.140**. The Planning Commission may also request a Conditional Use for any development proposal, in addition to those specifically required by this Code, if the site or proposed use has characteristics similar to, but different than, the uses permitted in the zone.

Uses existing prior to the effective date of this Code that are classified as a conditional use in this Code shall conform with the requirements for a conditional use if a change in use, lot area or an alteration is proposed.

- (2) **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

- (a) That the proposed development or use does not conflict with the City's Comprehensive Plan.
 - (b) That the proposed development or use does not conflict with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.
 - (c) That the proposed development or use does not have an adverse impact on pedestrian, bicycle and vehicular safety and future street right-of-ways identified in the TTSP are protected.
 - (d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.
 - (e) That adequate water, sewage disposal system and utilities for the proposed use are available.
 - (f) That the proposed development or use does not have an adverse impact on drainage-ways and required drainage facilities are provided with the capacity to serve the proposed development or use.
 - (g) That emissions and potential nuisance characteristics from the proposed development or use will not have an adverse impact on adjacent properties and potential adverse impacts on adjacent properties have been mitigated to the maximum extent possible.
 - (h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.
- (3) **Decision Conditions.** In approving a conditional use application, the Planning Commission may require additional standards and conditions which the Planning Commission considers necessary to comply with the intent and purpose of the Comprehensive Plan and implementing codes or ordinances. These conditions may include, but are not limited to, the following:
- (a) Regulating the required lot size, lot width, or yard dimensions.
 - (b) Regulating the height of buildings.
 - (c) Controlling the location and number of vehicle access points.
 - (d) Requiring dedication of additional street right-of-way or increasing the street width to accommodate the increased traffic generated by the proposed development.

- (e) Increasing the number of required off-street parking or off-street loading spaces.
 - (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - (g) Limiting the number, size, location and lighting of signs.
 - (h) Requiring ongoing maintenance of buildings and grounds.
 - (i) Regulating emissions, potential hazards or nuisance characteristics caused by the proposed use which could have a negative impact on the surrounding area or the City as a whole.
 - (j) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.
 - (k) Regulating time periods for the conduct of certain activities.
 - (l) Setting a time limit for compliance with conditional use conditions.
 - (m) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval for the conditional use approved by the Planning Commission.
 - (n) Providing a contractual agreement with the City to assure that the applicant will pay a share of the development costs for future public improvements.
- (4) **Decision Process.** The procedure for taking action on an application for a Conditional Use shall be as follows:
- (a) A Conditional Use requires a "Quasi-judicial Public Hearing" by the Planning Commission in conformance with **Section 3.510**. A Quasi-judicial Decision requires notification to property owners within 100 feet of the subject property with an opportunity to submit written or oral comments at a public hearing prior to the close of the record and decision by the Planning Commission.
 - (b) The Planning Commission may approve, deny, or approve conditionally the Conditional Use and attach any reasonable standards of development to attain compliance with the zone and city codes and ordinances.

- (c) If an application is denied, the action must be based on reasons related to non-compliance with the City Comprehensive Plan, Development Code or Ordinance requirements.
- (d) Once approved, the Conditional Use shall become the Official Plan. Building permits shall be issued only for plans which conform to the Official Plan and all construction shall conform to the official plan or a Certificate of Occupancy may be withheld until compliance.
- (e) All required elements of the approved Conditional Use shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.
- (f) Revisions or amendments to an approved Conditional Use shall follow the same procedure as that utilized for approval.

SECTION 2.600 VARIANCES

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may affect individual properties or uses, the variance provision is created to allow modification of the provisions of this Code for special and unusual circumstances without defeating the purpose and intent of the Code.

- (1) **Variance Application.** An application for a Variance shall be filed with the City together with a site plan and other supplementary data using forms prescribed in **Section 2.130**. The applicant shall submit evidence that the circumstance for granting a Variance as outlined in Item (2) herein apply to the Variance request. The Planning Commission may authorize variances from the requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the Code would cause an undue or unnecessary hardship. A Variance shall not be granted to allow a use permitted in another district or zone or to allow a use not authorized within the intended district or zone. In granting a Variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Code.
- (2) **Decision Criteria.** A Variance may be granted if the following circumstances exist:
 - (a) That there are special or unusual circumstances or conditions affecting the property or use.
 - (b) That the Variance is necessary for the proper design and/or function of the proposed development or land division.
 - (c) That the granting of the Variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
 - (d) That the granting of the Variance will not conflict with the purpose and intent of the district or zone, the Comprehensive Plan or other related ordinances of the City.
- (3) **Decision Process.** The procedure for taking action on an application for a Variance shall be as follows:
 - (a) A Variance requires a "Quasi-judicial Public Hearing" by the Planning Commission in conformance with **Section 3.510**. A Quasi-judicial Decision requires notification to property owners within 100 feet of the subject property with an opportunity to submit written or oral

comments at a public hearing prior to the close of the record and a decision by the Planning Commission.

- (b) The Planning Commission may approve, deny, or approve conditionally the Variance request and attach any reasonable standards of development to attain compliance with the zoning district and this Code as provided in **Section 3.600**.
- (c) If an application is denied, the action must be based on reasons related to non-compliance with the Comprehensive Plan and Code requirements.
- (d) If the application is approved, the Planning Commission may prescribe the terms and conditions upon which a Variance may be granted and may set a time limit for the duration of such Variance and may require guarantees in an approved form to insure that the conditions and standards for the approved Variance will be fulfilled.
- (e) Once approved, the Variance shall become official standard. Building permits or land divisions shall only be approved for plans that conform to the conditions and standards of the approved Variance and all construction shall conform to the approved Variance or a Certificate of Occupancy may be withheld until compliance.
- (f) All required elements of the approved Variance shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.
- (g) Revisions or amendments to an approved Variance shall follow the same procedure as that utilized for approval.
- (h) A written record of the findings and action of the Planning Commission shall be maintained by the City in a Record File of the Application as specified in **Section 2.150**.
- (i) Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Variance as specified in **Section 3.600**.

SECTION 2.700 AMENDMENTS

It is recognized that this Code or the Tangent Comprehensive Plan may require amendments to adjust to changing circumstances. An amendment may require either a Legislative Decision as defined in **Section 3.200 (2)** or a Quasi-judicial Decision as defined in **Section 3.200 (3)** depending upon whether the amendment applies to the Code in general or to a specific property.

Amendments may be either Text Amendments or Map Amendments. The City utilizes a single land use map for the Tangent Comprehensive Plan and the Tangent Zoning Districts therefore a zone change map amendment is an amendment to the Tangent Comprehensive Plan and the Tangent Land Use Development Code.

- (1) **Amendment Application.** An Amendment to this Code may be initiated by the City Council, the City Planning Commission or by application of a property owner. A request by a property owner for an amendment shall be accomplished by filing an application with the City using forms prescribed in **Section 2.130**.

- (2) **Decision Criteria.** The City Council, following a recommendation from the Planning Commission, may grant a request for an amendment to the text or map of the Code or Comprehensive Plan if the Council makes the following findings.
 - (a) The proposed amendment does not conflict with the intent of the Comprehensive Plan.
 - (b) The amendment will not adversely impact adjacent areas or the land use plan of the City.
 - (c) The amendment will not have an adverse environmental impact.
 - (d) The amendment will not have an adverse impact on public facilities.
 - (e) The amendment will not have an adverse impact on transportation.
 - (f) The amendment will not have an adverse impact on economy of the area.
 - (g) The amendment is consistent with the intent of Statewide Planning Goals.

- (3) **Decision Process.**
 - (a) Text amendments or zone change map amendments that affect a group or class of properties within the City requires a "Legislative

Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of **Section 3.520**. Every Legislative Amendment shall be passed by the voters of the City of Tangent.

- (b) Zone change map amendments initiated by an applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of **Section 3.510**.
 - (c) The City Council upon recommendation of the Planning Commission may approve, deny or approve with standards or conditions to attain compliance with this Code or the applicable zoning district.
 - (d) The City is not required to justify denial of a proposed legislative change.
- (4) No application of a property owner for an amendment to the text of this Code shall be considered by the City within a one-year period following previous denial of a similar request, except the City Council may permit a new application, if in the opinion of the Council, new evidence or a change of circumstance warrant it.

SECTION 2.800 ANNEXATIONS

The annexation of land to the City of Tangent shall promote orderly growth of the City and the efficient provision of public facilities and services. The Tangent Urban Growth Boundary Agreement with Linn County specifies that annexations and the provision of urban services shall only occur within the Tangent Urban Growth Boundary (UGB). The procedures and standards for annexations are specified in **ORS 222.111 to 222.180**. A change in the UGB requires an Amendment to the Tangent Comprehensive Plan in conformance with Statewide Planning Goal 14 and an Amendment to the Urban Growth Boundary and Policy Agreement between the City of Tangent and Linn County.

All proposed annexations of land to the Tangent City Limits require an affirmative vote of electorate of the City to become effective unless the annexation is mandated by state law.

A proposal for annexation may be initiated by the City Council on its own motion, or by a petition to the City Council from the Planning Commission, or by owners of real property located in the territory to be annexed.

(1) Annexation by City Council Initiation

The City Council may determine the procedures for City initiated annexations within the limits defined by **ORS 222.111 to 222.180**. These procedures may include, but are not limited to, an election within the territory to be annexed, consent of the requisite number property owners and electors or a public hearing on the annexation. Proposed annexations shall include the following information:

- (a) A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
- (b) A map of the area to be annexed including adjacent City territory.
- (c) The proposed land use zoning district(s).
- (d) The availability of public facilities and services for the proposed annexation.

(2) Annexation by Application

A request by a property owner for an annexation shall be accomplished by filing an application with the City using forms prescribed in **Section 2.130**. Each application for annexation shall include the following material:

- (a) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both as provided by state law.

- (b) A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
 - (c) A map of the area to be annexed including adjacent City territory.
 - (d) A statement of the expected demand on public facilities and the availability of public facilities and services to serve the proposed annexation.
 - (e) A statement of the overall development intent and a conceptual land use plan indicating the types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.
 - (f) Upon acceptance of a complete application, the City shall request a Staff Review together with other public or private agencies which may be affected by the proposed annexation. Upon receipt of the application, plans and accompanying narrative, Staff shall make an evaluation and recommendation. Comments and recommendations shall be available to the public and the Applicant. The Applicant shall be advised of any recommended changes or conditions for approval. The City shall incorporate all Staff comments into a report to the Planning Commission and City Council. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and State policies and standards, and a recommendation as to the appropriateness of the proposed development and the annexation itself
- (3) **Decision Criteria.** The City Council may grant an annexation referral to voters of the City of Tangent if Council can make the following findings:
- (a) The proposed annexation is consistent with the intent of the Comprehensive Plan.
 - (b) The annexation will not adversely impact adjacent areas or the land use plan of the City.
 - (c) The annexation will not have an adverse environmental impact.
 - (d) The annexation will not have an adverse impact on public facilities.
 - (e) The annexation will not have an adverse impact on transportation.
 - (f) The annexation will not have an adverse impact on economy of the area.

- (g) The annexation is consistent with the intent of Statewide Planning Goals.
 - (h) All annexations of land to the Tangent City Limits require an affirmative vote of the majority of City electors to become effective.
- (4) **Decision Process.** The procedure for taking action on an annexation request may be one of the following:
- (a) Upon the filing of a complete application for annexation, the City Council shall review the application and refer the request to the Planning Commission to evaluate the proposed annexation and to determine the appropriate zoning district to be applied upon annexation and make a recommendation to the City Council. In making its initial review of the application, the City Council shall determine whether a public hearing will be held before the Planning Commission, the City Council or both bodies.
 1. The Planning Commission may hold a public hearing in accordance with the provisions of **Section 3.510** for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s). Following the close of the public hearing the Commission shall recommend the appropriate zoning district to be applied upon annexation and forward its recommendation to the City Council.
 2. The City Council may hold a public hearing in accordance with the provisions of **Section 3.510** for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s). The City Council may, by ordinance containing a legal description of the territory to be annexed, declare the territory annexed upon the condition of an affirmative vote of the City electorate.
 - (b) Upon annexation of any land previously outside the incorporated limits of the City of Tangent, the annexed land shall be zoned as prescribed by the City Council. Until that amendment takes effect, the zoning classification and provisions of the Zoning Ordinance of Linn County applicable to the land immediately prior to that annexation shall remain in effect and shall be enforced by the City of Tangent under the provisions and procedures of this Code.
 - (c) The City Council shall refer the proposal for annexation to the City electorate at the next regularly scheduled election.

- (5) A written record of the findings and action of the City shall be maintained in a Record File of the Application as specified in **Section 2.150**.
- (6) Notice of Decision shall be given the Applicant and all parties to the proceedings as specified in **Section 3.600, Decision**.
- (7) If the City electorate approves an annexation, the City shall provide a Notice of Decision to the proper state and county authorities including the Oregon Secretary of State, the Oregon Department of Revenue, the Oregon U-R Mapping Unit, and the County Clerk and Assessor of Linn County. Notice shall include a legal description of the annexed property, a map of the proposed property showing the location of the annexed property relative to the Tangent City Limits. The Notice of Decision shall be provided only after the election results are certified and all outstanding fees have been paid to the City.

SECTION 2.900 VACATIONS

Where it is determined that a proposed Vacation shall not be injurious to the City or abutting properties, it may be appropriate to vacate all or parts of a public right-of-way, easements or other public places. This section states the procedures and criteria to permit the vacation of public lands not needed for municipal purposes, where it is consistent with the community land use policies and goals. Ownership of vacated territory shall revert proportionally to the adjoining properties and become a part thereof, as set out in state law.

- (1) **Vacation Application.** An application for a Vacation may be initiated by the City Council or by petition of adjoining or area land owners in accordance with **ORS 271.080**. A request by a property owner for a Vacation shall be accomplished by filing an application with the City using forms prescribed in **Section 2.130**. Applicants shall set forth a description of the area proposed to be vacated and shall submit a map showing the same area and shall state the purpose and justification for the proposed vacation.
- (2) **Consent of Affected Property Owners.** At the time the application is submitted, the Applicant shall submit a letter or letters of consent from affected property owners. For purposes of this Code and in compliance with **ORS 271.080**, affected property owners shall be defined as:
 - (a) All abutting property owners, and
 - (b) Owners of not less than two-thirds in area of the real property affected thereby.

Consent of the owners of the required amount of property shall be submitted in writing and duly acknowledged by the City prior to the scheduling of a public hearing for the requested Vacation.

- (3) **Decision Criteria.** A Vacation request may be approved if the reviewing body finds that the applicant has shown that all of the following review criteria are met:
 - (a) The proposed Vacation is consistent with the relevant Comprehensive Plan policies and with any adopted street plan, transportation plan or public facility plan.
 - (b) The proposed Vacation will not adversely impact adjacent areas or the land use plan of the City.
 - (c) The proposed Vacation will not have a negative effect on access between public rights-of-way, existing or future properties, public facilities or utilities.

- (d) The proposed Vacation will not have a negative effect on traffic circulation or emergency service protection and is not part of the Tangent Transportation System Plan.
 - (e) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
 - (f) The proposed vacation will not create a landlocked property or adversely affect access to large properties.
 - (g) The proposed Vacation will not have an adverse impact on economy of the area.
 - (h) The public interest, present and future, will be best served by approval of the proposed Vacation.
- (4) **Decision Process.** The procedure for taking action on a Vacation request may be one of the following:
- (a) Upon the filing of a complete application for a Vacation, the City Council shall review the application and refer the request to the Planning Commission to evaluate the proposed Vacation and to determine the appropriate zoning district to be applied upon the vacation and make a recommendation to the City Council.
 - (b) Zoning of Vacated Right-of-Way. Except as otherwise provided within the vacation ordinance or where the official City zoning map is not clear as to the zoning of vacated right-of-way, the zoning of each parcel of vacated territory shall be the same as the adjoining property to which the ownership of the vacated unit of land automatically reverts.
 - (c) Vacations initiated by an applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with a recommendation by the Planning Commission, in conformance with the Quasi-judicial Public Hearing procedures of **Section 3.510** as supplemented by the provisions of **ORS Chapter 271**. State law defines the affected area and mandates notice requirements that may be more stringent than the City's requirements.
 - (d) The City Council, upon recommendation of the Planning Commission, may approve, deny or approve with standards or conditions to attain compliance with this Code and State Statutes.

- (e) Conditions of Approval. The City may attach conditions to the approval of a Vacation request to ensure that the proposal will conform to the review criteria and may require fair market value for the vacated property as a condition of approval.
- (5) A written record of the findings and action of the City Council on the Application shall be maintained by the City in a Record File as specified in **Section 2.150**.
- (6) Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Vacation as specified in **Section 3.600, Decision**.

ARTICLE 3 DECISION PROCESSES

SECTION 3.110 BASIS FOR DECISION

The basis for a decision on a land use application and the reasons for approval or denial are contained in **ORS 227.173**.

- (1) Approval or denial of a discretionary permit application shall be based on standards and criteria contained in the City's Comprehensive Plan and implementing ordinances.
- (2) Except for Legislative Land Use Decisions, approval or denial of a land use application shall be based upon and accompanied by:
 - (a) A brief statement that explains the criteria and standards considered relevant to the decision.
 - (b) A statement of the facts relied upon in rendering the decision.
 - (c) An explanation of the justification for the decision based on the criteria, standards and facts set forth.
- (3) An application shall not be approved unless the proposed development of land would be in compliance with the City Comprehensive Plan, this Code or other applicable land use regulations or ordinance provisions. The approval may include such conditions as are authorized by **ORS 227.215** or any city legislation.

SECTION 3.120 FORM OF DECISION

A land use decision will take one of three forms:

(1) **Approval.** Approval means the review or hearing body found the approval criteria were satisfied by the presented facts.

(2) **Approval with Conditions.** Approval with conditions means the review or hearing body found the approval criteria could be satisfied with the application of specified conditions of approval as authorized in this Code.

(3) **Denial.** Denial means the review or hearing body found the approval criteria were not satisfied by the presented facts and could not be made to comply with attached conditions of approval.

SECTION 3.200 TYPE OF DECISIONS

ORS 197 and ORS 227 define four types of decisions utilized by cities to address land use applications. Each type of decision has its own procedural requirements. The four types of decisions are:

(1) Administrative Decisions

An administrative decision is a decision that correlates the adopted code or ordinance requirements and standards to an individual issue. These interpretations are usually provided by the City Administrator or designee. The City Administrator shall have decision authority for:

- a. Property Line Adjustments specified in **Section 2.310.**
- b. Temporary Manufactured Dwelling Placements specified in **Section 6.144.**
- c. Final Plat signature specified in **Section 2.337.**
- d. Flood Plain development permits as specified in **Section 4.210.**

(2) Legislative Decisions

A legislative decision produces a general rule, law or policy applicable to everyone under similar circumstances. Legislative decisions have a "presumption of validity." They are the laws that apply to everyone in similar situations.

An example of a Legislative Decision was the adoption of the City's Comprehensive Plan, this Code and Ordinances. Other legislative decisions provided for in this Code include text amendments and zone change map amendments that affect a group or class of properties within

the City. Legislative Amendments to this Code are provided for in **Section 2.700**.

(3) **Quasi-judicial Decisions**

A Quasi-judicial Decision involves a discretionary judgment applying the adopted rules, laws or policies to a specific individual land use situation like determining the permissible use of a specific piece of property. The action is judicial in nature and the hearing body must conduct a fair and impartial hearing. The decision must be based upon demonstrated compliance with the applicable criteria or standards contained in the City Comprehensive Plan, this Code, ordinances or policies, as determined by the factual evidence presented in the public hearing. The applicant for a change in the use of land specified in the Comprehensive Plan and implementing ordinances bears the burden of proof for the requested change.

Examples of Quasi-judicial Decisions provided for in this Code include, but are not limited to, Conditional Uses as provided in **Section 2.500**, Variances as provided in **Section 2.600** or a zone change map amendment for a specific property as provided in **Section 2.700**.

(4) **Limited Land Use Decision**

The 1991 Oregon Legislature added **ORS 197.195** to Chapter 197 to provide provisions for a final decision or determination made by a city pertaining to a site within its urban growth boundary which concerns:

- (a) Approval or denial of a subdivision or partition, as described in **ORS 92**.
- (b) Approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to, site reviews and design reviews.

A Limited Land Use Decision is a form of discretionary decision that does not require a public hearing and is not subject to the requirements of ORS 197.763 for quasi-judicial public hearings.

Examples of limited land use decisions in this Code that require a review by the Planning Commission include, but are not limited to, Subdivision and Partition Tentative Plans specified in **Section 2.320** and Site Plan Reviews specified in **Section 2.400**.

SECTION 3.300 NOTIFICATION

(1) **Administrative** actions and interpretations authorized by this Code do not require notifications.

(2) **Legislative** actions authorized by this Code require one or more public hearings and notification to the general public. In addition to Notice otherwise required by ORS 227.186, any means of notification that provides the general public and organizations believed to have an interest in the legislative issue with reasonable opportunity to be aware of the hearing on the issue is permitted and encouraged.

(3) **Limited Land Use** reviews or **Quasi-judicial** public hearings authorized by this Code require notification to the applicant and to owners of property within a minimum of 100 feet of the property which is the subject of the notice as identified on the most recent property tax assessment roll where such property is located. Notice shall also be provided to public agencies known to be affected and to any community organization recognized by the City whose boundaries include the site.

The applicant shall provide the City with a list of property owners of record within 100 feet, or greater if specified, of the property subject to the review or hearing.

(4) **State Ballot Measure 56** requires local governments to mail written individual notice to land owners when the governing body changes the base zoning classification of property, or adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(5) The notice of review or hearing shall be mailed at least twenty (20) days prior to the date of the review or hearing; or if two or more reviews or hearings are allowed, ten (10) days before the first review or hearing. For notices that are sent as a result of a new or amendment to a state administrative rule or statute notice shall be mailed within 30 days of the effective date of the administrative rule or statute.

(6) Notification may be expanded to include properties beyond 100 feet if the Planning Commission or City Council finds that the extent of potential impacts from a proposed development may exceed the 100 foot boundary area and additional public notice may be provided by other means.

(7) The failure of a person to receive the notice as provided in this section shall not invalidate such proceedings if the City can validate by affidavit that such notice was given.

(8) The notice provided by the City shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) List the applicable criteria from the Code and the Plan that apply to the application at issue or indicate where to find criteria.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the date, time and location of the review or public hearing.

(e) State that failure of an issue to be raised in a review or hearing, in person or by letter, or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

(f) Include the name and address of the City Administrator and the telephone number where additional information may be obtained.

(g) State that a copy of the application, all documents and evidence relied upon by the applicant and the applicable criteria are available for inspection at the Tangent City Hall at no cost and will be provided at reasonable cost.

(h) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the review or hearing and copies will be provided at reasonable cost.

(i) Include a general explanation of the requirements for submission of testimony and the procedures for the conduct of reviews or public hearings by the City.

(j) The City shall provide written notice of the decision to the Applicant and all parties to the proceeding. The notice shall briefly summarize the decision making process and contain an explanation of appeal rights.

(9) **Wetland Notice.** The City shall provide the Oregon Division of State Lands, the Applicant and Owner with notice of applications for developments located within areas identified as "Wetlands" on the

Tangent Wetlands and Riparian Areas Inventory. No physical alteration shall occur within defined wetland areas until a notice or permit is received from the Division. If the Division fails to respond within thirty days of notice, City approval may be granted with written notice to the applicant and owner that their proposal may require state or federal permits.

(10) DLCD Notice of Proposed Amendment. The City shall notify the Department of Land Conservation and Development (DLCD) of a pending adoption or amendment to the City Comprehensive Plan, Implementing Ordinances, or any other land use ordinance or regulation.

(a) The notice shall be provided at least 45 days prior to the first evidentiary hearing per ORS 197.610, OAR Chapter 660 – Division 18 and Senate Bill 543. The City may consider an amendment or new regulation with less than 45 days notice if the City Council determines that there are emergency circumstances requiring expedited review.

(b) The notice shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulation.

(c) Submittal of proposed "map" amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2x11 inch paper. A legal description, tax account number, address or general description is not adequate.

(d) Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.

(e) If the City determines that the statewide goals do not apply to a proposed amendment or new regulation, notice is not required.

(f) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2).

(11) Manufactured Dwelling Park Notice. If an application would change the zone of property that includes all or part of a Manufactured Dwelling Park, the City shall provide written notice by first class mail to each existing mailing address for tenants of the Manufactured Dwelling

Park at least 20 days prior to the date of the first hearing on the application.

SECTION 3.400 LIMITED LAND USE REVIEW PROCEDURES

The following procedures govern the conduct of Limited Land Use Reviews by the by the Tangent Planning Commission for Site Plan Reviews or Partition Tentative Plans. Written comments may be submitted prior to the review decision. No oral comment or testimony is permitted at the review unless the Planning Commission finds that clarification from the Applicant is needed. If the Planning Commission permits the Applicant to provide additional evidence, rebuttal from other participants shall be permitted.

- (1) At the commencement of a review the Chairperson announce the purpose of the review and shall request a summary of the Staff Report that:
 - (a) States the address or geographic location of the subject property.
 - (b) Explains the nature of the application and the proposed use or uses which could be authorized.
 - (c) Lists the applicable criteria from the ordinance and the plan that apply to the application at issue.
 - (d) State that written testimony and evidence must be directed toward the criteria or other criteria in the plan or ordinances which the person believes to apply to the decision.
 - (e) State that a failure to raise an issue with sufficient detail to afford the decision maker and the parties an opportunity to respond to the issue including failure of the Applicant to raise constitutional or other issues relating to Conditions of Approval precludes appeal to LUBA or to bringing an action for damages in Circuit Court based on that issue. An Applicant is not required to raise an issue unless the Condition of Approval is stated with sufficient specificity to enable the applicant to respond to the condition prior to the close of the final local hearing.
 - (f) State that the City shall provide written notice of the decision to the Applicant and all parties to the proceeding.

The notice shall briefly summarize the decision making process and contain an explanation of appeal rights.

(2) The Chair shall request members of the hearing body to declare and identify any actual or potential conflict of interest or any ex parte contacts on the issue.

Members shall place on the record the substance of any written or oral ex parte communications concerning the decision or action.

(3) The Tangent Planning Commission may choose to schedule a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City.

SECTION 3.510 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES

The following procedures govern the conduct of Quasi-judicial Public Hearings by the Tangent Planning Commission or the Tangent City Council on an application for a land use decision:

(1) A Quasi-judicial Public Hearing is required by the Planning Commission for discretionary land use decisions including, but not limited to: Conditional Uses and Variances. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing.

(2) Quasi-judicial Public Hearings are required by both the Planning Commission and City Council for discretionary land use decisions for a Text or Map Amendment to the Code or Comprehensive Plan initiated by the City or an applicant for a specific property. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing.

(3) The Planning Commission and City Council may choose to combine their hearings into a single joint public hearing. The Mayor or President of the City Council shall preside at joint hearings. Following the joint public hearing, the Planning Commission will deliberate and make a recommendation to the City Council. The City Council will consider the recommendation of the Planning Commission and following deliberation, make a final decision on the amendment considering the public testimony, factual evidence presented and compatibility and compliance with the City Comprehensive Plan and the Statewide Land Use Goals and Guidelines.

(4) An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) shall be raised not later than the close of the record following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient detail so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.

(5) At the commencement of a hearing the Chairperson of the Hearing Body shall:

(a) Announce the purpose of the hearing.

(b) State that the applicable substantive criteria will be presented in the Staff Report.

(c) State that testimony and evidence must be directed toward the criteria or other criteria in the plan or ordinances which the person believes to apply to the decision.

(d) State that a failure to raise an issue with sufficient detail to afford the decision maker and the parties an opportunity to respond to the issue including failure of the Applicant to raise constitutional or other issues relating to Conditions of Approval precludes appeal to LUBA or to bringing an action for damages in Circuit Court based on that issue.

(6) The Chair shall request members of the hearing body to declare and identify any actual or potential conflict of interest or any ex parte contacts on the issue:

(a) Members shall place on the record the substance of any written or oral ex parte communications concerning the decision or action.

(b) Members shall make a public announcement of the content of the communication.

(c) Opposition parties' have a right to rebut the substance of any ex parte communication at the first hearing following disclosure.

(d) In accordance with **ORS 227.180**, no decision or action by the Planning Commission or City Council shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body if the member makes the declarations cited above.

- (7) The Chair shall request presentation of the Staff Report.
- (8) The Chair shall request reports or testimony from any Governmental Agencies.
- (9) The Chair shall make the following statements before presentation of testimony:
- (a) A person shall first stand and state his full name and address.
 - (b) The Chair, members of the Hearing Body, or others, with the recognition of the Chair may question a witness.
- (10) The Chair shall call for the Applicant's Presentation.
- (11) The Chair shall call for other Proponent testimony in favor of the Request.
- (12) The Chair shall call for Opponent's testimony in opposition to the Request.
- (13) The Chair shall call for general comments.
- (14) The Chair shall call for the Applicant's rebuttal to opponent's testimony. The Applicant has the right of rebuttal - Opponents do not.
- (15) The Chair shall close the hearing or continue it to an announced time and place.
- (16) Unless there is a continuance, if a participant so requests, before the conclusion of the initial evidentiary hearing, the record shall remain open for at least 7 days after the hearing. When a record is reopened to admit new evidence or testimony, any person may raise new issues that relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue. In addition, if requested, the Applicant will be allowed an additional 7 days to provide final written rebuttal argument.
- (17) The Hearing Body may continue the hearing to gather additional evidence, to consider the application fully, to give notice to additional persons, or for any purpose allowed by this Code. If written or oral notice of the rescheduling of a hearing is provided at the originally scheduled hearing, no additional notice is required. The hearing shall be rescheduled to a specific date, time, and place. If written or oral notice of a continued hearing was not provided, then renotification is required.

(18) Call for deliberation by the Hearing Body following the close of the Hearing. The Hearing Body may make its decision following the hearing or may close the Record and continue its deliberation to a subsequent meeting. The time and place of the subsequent meeting shall be announced.

SECTION 3.520 LEGISLATIVE PUBLIC HEARING PROCEDURES

The following procedures govern the conduct of Legislative land use public hearings conducted before the Tangent Planning Commission or the Tangent City Council on an Amendment to this Code:

(1) Legislative public hearings are required by both the Planning Commission and City Council for text amendments or zone change map amendments that affect a group or class of properties. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing.

(2) The Planning Commission and City Council may choose to combine their hearings into a single joint public hearing. The Mayor or President of the City Council shall preside at joint hearings. Following the joint public hearing, the Planning Commission will deliberate at a separately scheduled meeting and make a recommendation to the City Council. The City Council will consider the recommendation of the Planning Commission and following deliberation, make a final decision on the amendment considering the public testimony, factual evidence presented and compatibility and compliance with the City Comprehensive Plan and the Statewide Land Use Goals and Guidelines.

(3) The Hearing is a DeNovo Hearing in which all evidence and comment is accepted for consideration. Approval of a Legislative Decision may be appealed to the Land Use Board of Appeals (LUBA) for Review in accordance with ORS 197.830. Denial of a Legislative Decision is not subject to Review.

(4) At the commencement of a hearing a statement by the Chairperson shall be made to those in attendance that:

(a) Announces the purpose of the hearing.

(b) Asks if any member of the deciding body has an actual or potential conflict of interest in the matter before the Hearing Body.

(c) States that the applicable criteria will be presented in the Staff Report.

(d) States that all testimony and evidence relevant to the issue will be accepted for consideration by the Hearing Body.

(5) The Chair shall request presentation of the Staff Report.

(6) The Chair shall request reports or testimony from any Governmental Agencies.

(7) The Chair shall make the following statements before presentation of testimony:

(a) A person shall first stand and state his full name and address.

(b) The Presiding Officer, members of the Hearing Body, or others, with the recognition of the chair may question a person giving testimony.

(8) Call for public testimony in any order determined by the Hearing Body.

(9) Call for any general comments.

(10) Close the hearing or continue it to another announced time and place.

(11) Call for deliberation by Hearing Body following close of the Hearing. The Hearing Body may make its decision following the hearing or may close the Record and continue its deliberation to a subsequent meeting. The time and place of the subsequent meeting shall be announced.

SECTION 3.600 DECISION

Applicants and participants in a land use proceeding are entitled to a decision based upon a fair and impartial review or hearing of the factual evidence presented in conformance with the relevant standards and criteria contained in the City's Comprehensive Plan, Codes or Ordinances.

(1) **Decision Justification.** The review or hearing body shall make a decision on a land use application and, except for legislative land use decisions, provide a brief statement that explains the standards and criteria

considered relevant to decision, states the facts relied upon and explains the justification for the decision, with findings that summarize the facts believed by the review or hearing body and how the standards and criteria are satisfied by the accepted facts.

(2) **Findings.** Findings are based on the information presented in the application, the staff report and evidence presented in the proceedings. **ORS 227.173** requires:

(a) An explanation of the relevant criteria applicable to the decision.

(b) A statement of the facts supporting the decision.

(c) An explanation of how the standards and criteria are satisfied by the accepted facts and justify the decision.

(3) **Findings for Approval.** The findings must contain a statement that all applicable policies and/or criteria are satisfied by the accepted facts presented.

(4) **Findings for Approval with Conditions.** The findings must contain a statement that the applicable policy or criteria cannot be satisfied by the facts presented without the application of conditions of approval as authorized in this Code.

(5) **Findings for Denial.** The findings must contain a statement that the applicable policy or criteria are not satisfied by the facts presented and cannot be made to comply with the application of conditions of approval as authorized in this Code.

(6) **Notice of Decision.** Written notice shall be given to the Applicant and all parties to the proceedings. The notice shall contain the following information:

(a) The name of the Applicant and/or Owner of the subject property.

(b) The address or geographic description of the subject property.

(c) A description of the requested action.

(d) The date of decision.

(e) A summary of the decision made.

(f) Identification of any actual or potential conflict of interest or any ex parte contacts on the issue by any member of the decision body.

(g) An explanation of appeal rights.

(h) The location where the record may be reviewed.

(7) The failure of a property owner to receive notice shall not invalidate the action provided a good-faith attempt was made to notify all persons entitled to notice.

(8) Personal notice is deemed given when the notice is deposited with the United States Postal Service.

(9) The records of the Linn County Assessor's Office shall be the official records used for giving notice required by this Ordinance. A person's name and address which is not on file at the time the notice mailing list is initially prepared shall not be deemed a person entitled to notice.

SECTION 3.700 APPEAL PROVISIONS

An appeal issue shall be raised at the time of the review or hearing orally or in writing. The appeal issue raised must be specific and shall be presented with enough clarity to afford the decision body an opportunity to adequately respond to the issue. Failure to raise the issue at the review or hearing or failure to clearly define the issue shall preclude appeal to the City Council or to the Land Use Board of Appeals (LUBA) on that issue.

(1) Written notice of the appeal shall be filed with the City on forms provided by the City. An Appeal request shall contain:

(a) The name of the appellant(s) and a statement by the appellant that they were a party to the initial proceedings.

(b) Identification of the decision being appealed.

(c) The date of the decision being appealed.

(d) The form and basis of the appeal and the criteria relied upon for the appeal request.

(2) An action or ruling of the City Administrator or designee pursuant to this Code may be appealed to the Planning Commission within 10 days of mailing after the decision is made. If an appeal is not filed within the

above specified period, the decision of the City Administrator or designee shall be final. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the City Administrator or designee and shall hold public hearing on the appeal.

(3) An action or ruling of the Planning Commission pursuant to this Code may be appealed to the City Council within 10 calendar days after the Planning Commission decision is mailed.

Written notice of an appeal shall be filed with the City. If the appeal is not filed within the above specified period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall hold a public hearing on the appeal. The City Council may continue the hearing for good cause. Following the hearing, the City Council may sustain any recommendations or ruling of the Planning Commission, provided such action complies with the provisions of this Code, or the City Council may decide the issue.

(4) An action or ruling of the City Council pursuant to this Code may be appealed to the Land Use Board of Appeals (LUBA) under **ORS 197.828 to 197.845** by filing a notice of intent to appeal with LUBA not later than 21 days after the City's decisions becomes final.

(5) **Notice.** A "Notice of Appeal" shall be provided in the same manner as the Notice of Decision including all parties to the previous proceedings. A "Notice of Appeal" shall contain:

- (a) The name of the appellant and a statement that they were a party to the initial proceedings.
- (b) Identification of the decision being appealed.
- (c) The date of the decision being appealed.
- (d) The form and basis of the appeal and the criteria relied upon for the appeal.

(6) **Scope of Review.** Prior to opening the Appeal Hearing the hearing body shall determine the scope of review on the appeal to be one of the following:

- (a) Review on specific issues relative to the decision being appealed with additional testimony and evidence limited to those issues.

(b) Review on specific issues and only on the official record of the decision being appealed.

(c) A "de novo" hearing as if the request had not been previously heard, except that all testimony, evidence and other materials in the record of the previous review or hearing may be included in the new record of review.

(7) A party aggrieved by the City's final determination in a proceeding for a land use decision, limited land use decision or discretionary permit may have the determination reviewed by the Land Use Board of Appeals (LUBA) under **ORS 197.828 to 197.845** by filing a notice of intent to appeal with LUBA not later than 21 days after the decisions becomes final.

SECTION 3.800 REVOCATION

A decision on a land use application may be overturned, revoked or modified by the City on any one or more of the following grounds after a public hearing on the issue:

- (1) A material misrepresentation or mistake of fact was made in the application or evidence submitted, either intentionally or unintentionally.
- (2) The use for which approval was granted has ceased to exist.
- (3) Failure to comply with the terms and conditions of approval.
- (4) The use is in violation of a provision of this Code or other applicable statutes, ordinances, or regulations.
- (5) The approval decision was overturned on appeal.

ARTICLE 4 ZONING DISTRICTS

SECTION 4.010 CLASSIFICATION OF ZONING DISTRICTS

For the purpose of this Code the following Primary Zoning Districts are hereby established:

ABBREVIATED

PRIMARY DISTRICTS DESIGNATION

Single-family Residential RS-10

Multiple-family Residential RM-10

Multiple-family Residential RM-6

Community Commercial CC

Highway Commercial/Industrial HC/I

General Industrial GI

Exclusive Farm Use EFU

SECTION 4.020 CLASSIFICATION OF OVERLAY-DISTRICTS

(1) An Overlay-District may be established in combination with a Primary Zoning District. The Overlay-District shall establish additional requirements, standards and procedures for the use and development of property in the Primary District. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.

(2) For the purposes of this Code the following Overlay-Districts are hereby established:

ABBREVIATED

OVERLAY-DISTRICTS DESIGNATION

Flood Hazard FH

Planned Development PD

SECTION 4.030 LOCATION OF ZONING DISTRICTS

The boundaries of **Zoning Districts** listed in this Code are identified on the **Tangent Zoning District Map, M-1** which is hereby adopted by reference and made a part of this Code.

SECTION 4.040 ZONING MAPS

The Zoning Map adopted by **Section 4.030** of this Code and any amendment thereto shall be dated with the effective date that adopts the map including any amended map. A certified print of the adopted map or map amendment shall be maintained in the Tangent City Hall as long as this Code remains in effect.

SECTION 4.050 ZONING DISTRICT BOUNDARIES

Unless otherwise specified, District or Zone boundaries are section lines; sub-division lines; lot lines; streets or railroad right-of-ways or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of a measuring scale designated on the County Assessor Maps.

SECTION 4.060 ZONING OF ANNEXED AREAS

(1) All areas annexed to the City Limits shall be rezoned at the time of annexation consistent with the Tangent Comprehensive Plan as determined by the City Council with recommendation from the Planning Commission as specified in **Section 2.800 (4)**.

(2) All areas included in the City Urban Growth Boundary shall have a recommended zoning designation at the time the Urban Growth Boundary is changed consistent with the Tangent Comprehensive Plan as determined by the City Council with recommendation from the Planning Commission as specified in **Section 2.700**.

SECTION 4.070 SIMILAR USE AUTHORIZATION

The Planning Commission may permit in a particular district a use not listed in this Code, provided the use is of the same general type as the uses permitted by this Code. However, this section does not authorize a use specifically listed in another district to be established in a district where it is not listed. The decision of the Planning Commission may be appealed to the City Council using procedures specified in **Section 3.700** of this Code.

SECTION 4.080 NONCONFORMING USE

It is the intent of the nonconforming use sections of this Code to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Code to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures that could cause potentially adverse effects in the immediate neighborhood or in the City as a whole, are not permitted as outlined in this section.

(1) Continuation of a Nonconforming Use.

(a) Subject to the provisions of this section, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.(b) The extension of a nonconforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this Code is not an extension of a nonconforming use.(c) In any industrial or commercial district, a pre-existing dwelling may be altered or extended, provided that such

alteration or extension shall not exceed the yard, lot coverage and building height requirements specified in the adjacent Residential District.(2) **Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standards, may be altered or extended if any other alteration or extension does not cause the structure to deviate from the standard of this Code.

(3) Discontinuance of a Nonconforming Use.

(a) 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, unless the Planning Commission approves the continuation of the nonconforming use.

(b) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

(4) Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located.

(5) Destruction of a Nonconforming Use or Structure. If a nonconforming structure or a structure containing a nonconforming use is totally destroyed or destroyed to the extent of more than fifty percent (50%) of its fair market value by any cause, a future structure or use on the site shall be either in accordance with the provisions of the district in which the property is located or the property owner may apply for a Conditional Use Permit to continue with the existing use or to replace the structure in the previous location at which it was destroyed. A residence may be replaced in any zoning district.

(6) Partial Destruction of a Nonconforming Use or Structure. If a nonconforming structure is destroyed by any cause to the extent of less than fifty percent (50%) of its fair market value, the nonconforming structure may be reconstructed with the same right to continue use of such nonconforming building as existed prior to the damage, provided such reconstruction is commenced within one year from the date of the damage and continues uninterrupted to completion provided the building is not increased in cubic content or floor area. A residence may be replaced in any zoning district.

(7) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.

(8) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

SECTION 4.100 PRIMARY ZONING DISTRICTS

SECTION 4.111 SINGLE-FAMILY RESIDENTIAL DISTRICT RS-10

(1) **Purpose.** To provide areas suitable and desirable for low density single-family residential use with provisions for associated residential or public service uses.(2) **Permitted Uses.** In an RS-10 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:(a) Agricultural Uses in conformance with **Section 6.410**(b) One single-family dwelling per tax lot(c) One Manufactured Dwelling per tax lot.(d) One Duplex per corner tax lot.(e) Residential Care Homes for 5 or less people or a Group Child Care Home for 12 or less children in conformance with **Section 6.121**.(f) Accessory buildings subject to the following standards:1. Accessory buildings shall not be used for dwelling purposes.

2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.

3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the Conditional Use provisions of **Section 2.500** and the home occupation standards of **Section 6.110**.4. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for

continuous human habitation. Habitation is limited to 60 days in conformance with **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RS-10 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

(a) Home occupation. (b) One Hardship temporary manufactured dwelling per tax lot.(c) Residential Care Facility for 15 or less people or a Group Child Care Center for 13 or more children in conformance with **Section 6.122**.(d) Public or semi-public uses.

(e) Historic Resources in accordance with **Section 6.510 – 5.614**.

(4) **Development Standards.**

(a) Minimum lot area - 10,000 square feet.Property area may need to be increased for sewage drainfields or for properties with building limitations.(b) Minimum Lot Width or Depth– 80 feet. (c) Maximum Impervious Coverage including accessory buildings – 50%.(d) Building Height - 35 feet unless approved by the Planning Commission.(e) Yards:1. Exterior street facing yard setbacks:20 feet from a street front property line to the garage or carport.15 feet from a street front or side property line to the residence.See **Section 5.116** for additional setback standards.2. Interior property facing yard setbacks: 5 feet from a side property line.15 feet from a rear property line. 5 feet for attached or detached accessory structures.(f) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the RS-10 District.

SECTION 4.112 MULTIPLE-FAMILY

RESIDENTIAL DISTRICT RM-10(1) Purpose. To provide areas suitable and desirable for low density multiple-family residential use with provisions for associated residential or public service uses. Low density shall mean a maximum of 6 dwelling units per acre unless approved as a Conditional Use.(2) **Permitted Uses.** In an RM-10 District, the following uses and their accessory uses are permitted:(a) Agricultural Uses in conformance with **Section 6.410**(b) One single-family dwelling or manufactured dwelling per tax lot.(c) Multiple-Family

Dwellings up to 6 dwelling units per acre in conformance with **Section 6.130**.(d) Residential Care Home or Residential Care Facility in conformance with **Section 6.121** or **Section 6.122**.(e) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.
2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Section 6110.4**. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation. Habitation is limited to 60 days in conformance with **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RM-10 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

- (a) Multiple-family dwellings exceeding 6 units per acre but less than 12 units per acre.
- (b) Public or semi-public uses.
- (c) Historic Resources in accordance with **Section 6.510 – 6.614**.

(4) **Development Standards.**

(a) Minimum lot area - 10,000 square feet. The minimal area may have to be increased to accommodate sewage disposal or for properties with building limitations.(b) Minimum Lot Width - 60 feet & Minimum Lot Depth - 80 feet.(c) Maximum Impervious Coverage - 50%.(d) Building Height - 35 feet unless approved by the Planning Commission.(e) Yards: 1. Exterior street facing yard setbacks: 20 feet from a street front property line to a garage or carport. 15 feet from a street front or side property line to the residence. See **Section 5.116** for additional setback standards. 2. Interior property facing yard setbacks: 5 feet from a side property line or 10 feet from single-family properties. 20 feet from a rear property line. 5 feet for attached or detached accessory structures.(f) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the R-11 District.

SECTION 4.113 MULTIPLE-FAMILY

RESIDENTIAL DISTRICT RM-6(1) Purpose. To provide areas suitable and desirable for medium density multiple-family residential use with provisions for associated residential or public service uses. Medium density shall mean a maximum of 8 dwelling units per acre unless approved as a Conditional Use.(2) **Permitted Uses.** In an RM-6 District, the following uses and their accessory uses are permitted:(a) Agricultural Uses in conformance with **Section 6.410**(b) One single-family dwelling or manufactured dwelling per tax lot.(c) Multiple-Family Dwellings up to 8 dwelling units per acre in conformance with **Section 6.130**.(d) Residential Care Home or Residential Care Facility in conformance with **Section 6.121** or **Section 6.122**.(e) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.
2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.
3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Section 6110**.4. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation. Habitation is limited to 60 days in conformance with **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RM-6 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

- (a) Multiple-family dwellings exceeding 8 units per acre but less than 16 units per acre.(b) Manufactured Dwelling Park.(c) Public or semi-public uses.(d) Historic Resources in accordance with **Section 6.510 – 6.614**.

(4) **Development Standards.**

(a) Minimum lot area - 6,000 square feet. The minimal area may have to be increased to accommodate sewage disposal or for properties with building limitations. b) Minimum Lot Width - 60 feet & Minimum Lot Depth - 80 feet.(c) Maximum Impervious Coverage - 50%.(d) Building Height - 35 feet unless approved by the Planning Commission.(e) Yards:1. Exterior street facing yard setbacks:20 feet from a street front property line to a garage or carport.15 feet from a street front or side property line to the residence.See **Section 5.116** for additional setback standards.2. Interior property facing yard setbacks: 5 feet from a side property line or 10 feet from single-family properties. 20 feet from a rear property line. 5 feet for attached or detached accessory structures.(f) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the RM-10 District.

SECTION 4.121 COMMUNITY COMMERCIAL DISTRICT CC

(1) **Purpose.** The Community Commercial District is intended to provide areas appropriate for the full range of commercial activities to serve the needs of area residents and employees. The CC District is well suited for areas in close proximity to the residential areas of the community having access from the City's arterial or collector streets.

(2) **Permitted Uses.** In a CC District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building and have no emissions requiring a permit from state or federal agencies:

(a) Interim Field Crop Farming. (b) Retail stores or shops. (c) Personal or business services including motels and inns. (d) Repair shops (See 3 (b) below). (e) Eating or drinking establishments. (f) Offices, business or professional, including seed testing. (g) Financial institutions.(h) Indoor commercial amusement or recreation establishments.(i) Public or semi-public buildings and uses.(j) Residential Care Home or Residential Care Facility in conformance with **Section 6.121** or **Section 6.122**.(k) Conversion of

residence to a permitted commercial use in accordance with **Section 6.201(1)**.

(1) Attached residences to a commercial use in accordance with **Section 6.201 (2)**.

(3) **Conditional Uses.** In a CC District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

(a) Uses requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality.(b) Automotive, truck or RV service facilities. Any such facility shall have access from a designated arterial street.(c) Automotive, truck, RV, equipment or other repair shops which possess nuisance characteristics or emissions potentially detrimental to Public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Inaccurate specification of extent may result in revocation of, or revisions to the Conditional Use Permit.(d) Permitted uses listed in (2) above, requiring exterior display or storage, including but not limited to, automobile or equipment sales.

(d) Permitted uses exceeding 50 feet in height.

(e) Limited fabrication or assembly operations including cabinet, plumbing or sheet metal shops.

(f) Second Story Residences above a commercial use in accordance with **Section 6.201 (3)**.

(g) Historic Resources in accordance with **Section 6.510 – 5.614**.

(4) **Development Standards.**

(a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and pedestrian circulation including persons with

disabilities.(b) Minimum Lot Width or Depth– 80 feet. (c) Maximum Impervious Coverage - 80% (d) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.(e) Yards:1. Exterior street facing yard setbacks:20 feet from a front property line unless modified by **Section 5.116, 6.212** or **6.213**.2. Interior property facing yard setbacks:12-foot side yard where abutting residentially zone property with Screening provided in conformance with **Section 5.134 (9)**. There is no setback where abutting commercial or industrial property subject to **Section 5.116 (4)** and the requirements for building construction specified in the Oregon Structural Specialty Code.(f) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.(g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the CC District.

SECTION 4.122 HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT HC/I.

(1) **Purpose.** The Highway Commercial/Industrial District is intended to provide areas appropriate for the full range of commercial and limited industrial activities to serve the needs of area. The HC/I District is well suited for areas having access from the City's major thoroughfares that are free from conflict with non-compatible land uses.

(2) **Permitted Uses.** In a HC/I District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed structure, except as identified herein, and shall have no emissions requiring a permit from state or federal agencies:

(a) Uses permitted in the CC Zoning District. (b) Interim Field Crop Farming.(c) Auto or truck service and repair facilities.(d) Seed Testing, Cleaner or warehousing.(e) Building Trade Contractors.(f) Fabrication, assembly, research, service, repair or processing shops with no emissions requiring a state or federal emissions permit including compliance with noise standards.(g) Exterior

sales or rental yards provided displays are neatly organized.(h) Warehousing and mini-storage units.(i) Agricultural Cooperatives.(3) **Conditional Uses.** In a HC/I District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

(a) Permitted Uses listed above requiring exterior operations or storage of materials or equipment.(b) Uses possessing nuisance characteristics or emissions potentially detrimental to Public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use.(c) Uses requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality and operations exceeding the state noise standards.(d) Truck Dispatch Operations.(e) Outdoor recreational uses.

(4) **Development Standards.**

(a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and pedestrian circulation including persons with disabilities.(b) Minimum Lot Width or Depth– 80 feet. (c) Maximum Impervious Coverage - 80% (d) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.(e) Yards:1. Exterior street facing yard setbacks:20 feet from a front property line unless modified by **Section 5.116** or **6.213**.2. Interior property facing yard setbacks:12-foot side or rear yard where abutting residentially zone property with Screening provided adjacent conformance with **Section 5.134 (9)**. There is no setback where abutting commercial or industrial property subject to **Section 5.116 (4)** and the requirements for building construction specified in the Oregon Structural Specialty Code.(f) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of

street improvements by the applicant may be required in order to facilitate traffic circulation.(g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the CC District.

SECTION 4.131 GENERAL INDUSTRIAL DISTRICT GI

(1) **Purpose.** The General Industrial District is intended to protect and preserve areas suitable for industrial development to assist in supporting the area's economy. The GI District is suitable for manufacturing and warehousing activities having minimal emissions or nuisance characteristics that could impact adjacent non-industrial areas. The GI District is well suited for areas having highway and rail access that are free from conflict with non-compatible land uses.

(2) **Permitted Uses.** In an GI District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code.

(a) Interim field crop farming.(b) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building unless approved by the Planning Commission, and provided there are no emissions or nuisance characteristics discernible without instruments at the property line. See **Section 2.140 Item (21)**.(c) Truck Terminals or Freight Depots.(d) Public or semi-public buildings and uses.

(3) **Conditional Uses.** In an GI District, the following uses and their accessory uses may be permitted, subject to the provisions of **Section 2.500**.

(a) Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses having emissions or nuisance characteristics discernible without instruments at the property line or uses requiring a permit from a local, state or federal agency.(b) Scrap, waste, recycling or wrecking yards.(c) Quarrying and related activities, subject to the requirements of Statewide Planning Goal 5 and OAR 660-23-180 for Mineral and Aggregate Resources.(d) Processing, storage, distribution or disposal of waste, fuel or other hazardous materials.(e) Commercial activities in association with an

approved industrial use.(f) A manufactured dwelling for the owner or caretaker whenever an on-site residence is necessitated by the primary use. The manufactured dwelling shall comply with the standards of Article 6.

(4) Development Standards.

(a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and pedestrian circulation including persons with disabilities.(b) Minimum Lot Width or Depth– 80 feet. (c) Maximum Impervious Coverage - 80% (d) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.(e) Yards:1. Exterior street facing yard setbacks:20 feet from a front property line unless modified by **Section 5.116** or **6.213**.2. Interior property facing yard setbacks:12-foot side or rear yard where abutting residential or commercially zoned property with Screening provided in conformance with **Section 5.134 (9)**. There is no setback where abutting industrial property subject to **Section 5.116 (4)** and the requirements for building construction specified in the Oregon Structural Specialty Code.(f) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.

(g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the GI District.

SECTION 4.141 EXCLUSIVE FARM USE DISTRICT EFU

(1) **Purpose.** The purpose and intent of the Exclusive Farm Use (**EFU**) Zoning District is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses that are compatible with agricultural activities. Therefore, the EFU Zone is to be applied only in those areas that are "agricultural lands" as determined in Statewide Planning Goal 3 thereby providing automatic farm use valuation for farms that qualify under the provisions of ORS 308.

The EFU Zone is intended to guarantee the preservation and maintenance of the areas classified for farm use, free from conflicting non-farm uses

and influences. The zone is subject to change only in those instances where there is substantial evidence that such land is no longer suitable for agriculture or that there has been a change in the land needs of the City that clearly demonstrates that such land is needed for urban uses other than agriculture.

(2) **Permitted Uses.** In an EFU District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code.

(a) Farm Use as defined below and the non-farm uses otherwise authorized by **ORS 215.213**. "Farm Use" shall include the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provision of ORS chapter 321, except land used exclusively for growing cultured Christmas Trees as defined in subsection (3) of this section or land described in ORS 321.267 (1) (e) or 321.415 (5). (b) A Dwelling for the owners or operators of the farm use in conformance with **OAR 660-033-0120 and ORS 215.213**. (c) Nonresidential farm use buildings and structures. (d) Seasonal farm-worker housing in conformance with **ORS 197.675**.

(3) **Conditional Uses.** **OAR 660-033, ORS 215.213, and ORS 215.296** identify Conditional Uses and their accessory uses that may be permitted, subject to the provisions of **Section 2.500** of this Code. Conditional Uses may include but are not limited to the following:

(a) Public Uses and Facilities including public or private schools (b) Churches (c) Additional dwelling for relatives involved in the farm operation. (d) Seasonal Farm-worker housing. (e) Temporary Manufactured Dwelling for a hardship condition. (f) Geothermal exploration or

operation.(g) Utility facilities.(h) Transportation facilities.(i) Winery.(j) Commercial activities in conjunction with the farm use including animal by-product businesses.(k) Community Centers.(l) Golf Courses.(m) Home Occupations.(n) Historic Resources in accordance with **Section 6.510 – 5.614**.

(4) Development Standards.

(a) Minimum lot area – 40 acres. (b) Minimum Lot Width or Depth: None .(c) Maximum Building coverage - None(d) Yards:1. Exterior street facing yard setbacks:20 feet from a front or side property line.See **Section 5.116** for additional street setbacks.2. Interior property facing yard setbacks:10 foot side yards.15 foot rear yards.(e) Maximum Residence Height - 35 feet. Other farm structures shall be approved as part of the Site Plan Review procedures of **Section 2.400** subject to Conditions of Approval.(f) The raising of field crops in the general field of horticulture is allowed on any EFU property within the city.(g) The raising of farm animals in the general field of animal husbandry is permitted within the EFU District under the following conditions:1. It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times, and further provided that such raising activities are not part of nor conducted in conjunction with any live stock sales yard, slaughter house, or animal by-product business unless approved as a Conditional Use in conformance with **Section 2.500**.2. Fencing must be designed and constructed to confine all animals within the property line.3. A Setback of 200 feet from any off-site residence is required for all corralled animals or buildings housing farm animals.4. It is the responsibility of the property owner to maintain proper health and sanitation standards and to assure that nuisance factors such as noise, smell and unsightly conditions are mitigated. Proper sanitation includes:A. Not allowing animal waste to accumulate.B. Not allowing animal waste to contaminate groundwater or drainageways.C. Taking the necessary steps to minimize odors resulting from farm animals.(h) The above standards are the minimum standards applicable to property located within the City of Tangent, additional site area or other standards may be required to comply with county, state or federal Health and Sanitation Standards.(i) Any proposed non-farm dwelling or manufactured dwelling in the EFU Zone on a lot, parcel

or tract less than forty (40) acres in size shall be submitted to the City to determine that the dwelling complies with **OAR Division 660- 033** for such use. (j) Any farm dwelling or manufactured dwelling customarily provided in conjunction with a farm use on a parcel forty (40) acres or larger in size shall be submitted to the City to determine that the dwelling complies with the requirements for "farm use" as that term is defined in State Statutes.(k) A proposed Land Division in the EFU Zone shall be submitted to the City for Planning Commission review in conformance with **Section 2.300**. In addition to meeting the forty (40) acre minimum lot size requirement, an applicant also must demonstrate that each lot or parcel created by any land division is appropriate for the continuation of the existing commercial agricultural enterprise. A land division creating lots greater than forty (40) acres in size will not be assumed to satisfy this provision based on lot size alone.(l) Development in conformance with **Section 4.141** for EFU lands and subdivision or partitioning of EFU lands are exempt from the off-site improvement requirements of this Code.

(m) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the EFU District.

SECTION 4.200 OVERLAY-DISTRICTS

An Overlay-District may be established in combination with a Primary District. The Overlay-District shall establish additional requirements, standards and procedures for the use and development of property in the Primary District. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.

(1) **Application.** The City, a property owner, or any interested person may apply for designation of an Overlay-District in combination with any Primary District in accordance with the application requirements of **Sections 2.130 and 2.140** and the amendment procedures of **Section 2.700**. The Quasi-judicial hearing procedures of **Section 3.510** shall be used when the application is submitted by a property owner and applies to a specific property. The Legislative hearing procedures of **Section 3.520** shall be used when the Overlay-District is applied by the City to a group or class of properties under similar circumstances.

SECTION 4.210 FLOOD HAZARD OVERLAY-DISTRICT - FH

(1) Purpose.

It is the purpose of this Code to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(a) To protect human life and health.(b) To minimize expenditure of public money and costly flood control.(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.(d) To minimize prolonged business interruptions.(e) To minimize damage to public facilities and utilities such as water and gas mains, electric telephone and sewer lines, streets and bridges located in areas of special flood hazard.(f) To provide for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.(g) To ensure that potential buyers are notified that property is in an area of special flood hazard.(h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.(2) In order to accomplish its purposes, this Code includes methods and provisions for:(a) Restricting or prohibiting uses that 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.(b) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.(c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, that help accommodate or channel flood waters.(d) Controlling filling, grading, dredging, and other development that may increase flood damage.(e) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas.

(3) General Provisions.

(a) This Section shall apply to all areas of special flood hazards within the jurisdiction of the City of Tangent. The degree of flood protection required by this Code is considered reasonable for regulatory 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 Code 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 Code shall not create liability on the part of the City of Tangent, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.

(b) The areas of special flood hazard identified by the Federal Insurance Administration in the "Flood Insurance Study" for the City of Tangent and the Flood Insurance Rate Maps (FIRM) are adopted by reference as designating the Flood Hazard Overlay District and the FIRM Maps declared to be a part of this Code. The Flood Insurance Study and FIRM Map is on file at the Tangent City Hall.

(c) New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within the 100 year floodplain as identified on FIRM, or as may be established on subsequent updates unless no practicable, non-floodplain sites are available. The burden of proof that such sites are not available rests with an applicant. A finding that no practicable, non-floodplain sites are available must be approved by the City Council to allow floodplain development.

(d) A Development Permit shall be required before construction or development begins within any Flood Hazard Overlay-District. The permit shall apply to all structures including manufactured dwellings and all other development including fill and other activities. The following additional information shall be submitted:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered

professional engineer or architect that the floodproofing methods for any nonresidential structure meet the flood hazard development standards of this Section.4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.(e) The City Administrator is the Permit issuing authority with the exception that the Planning Commission shall be the deciding authority for fill placements within the flood plain and all floodway development. The deciding authority shall: 1. Determine that the requirements of this Code have been satisfied.2. Determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.3. Review all development proposals to determine if proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Code, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas. a. If it is determined that there is no adverse effect, then the proposal shall be granted consistent with provisions of this Code without further consideration of these effects. b. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.4. When base flood elevation data has not been provided, the City Administrator 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 this Section.5. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of **Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76)** which are adopted by reference and declared to be part of this Code.

6. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

7. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

8. Information to be obtained and maintained:

- a. Where base flood elevation data is provided through the Flood Insurance Study, 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), and;
 - (ii) maintain the floodproofing certifications required in Section 4.1 (3) of the NFIP.
- c. Maintain for public inspection all records pertaining to the provisions of this Code.
- f. In approving or disapproving a Flood Hazard development proposal, the deciding authority shall also consider all technical evaluations, all relevant factors, standards specified in other sections of this Code, and:
 1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. The importance of the services provided by the

proposed facility to the community.5. The necessity to the facility of a waterfront location, where applicable.6. The availability of alternative locations, for the proposed use that are not subject to flooding or erosion damage.7. The compatibility of the proposed use with existing and anticipated development.8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area.9. The safety of access to the property in times of flood for ordinary and emergency vehicles.10. 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.11. The costs of providing governmental 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.(g) Flood Hazard Development Permit Fee Established.1. The City, by resolution, will establish fees for application and issue of floodplain and floodway development permits.2. If any development activity occurs prior to issuing a permit under this section, the fee for approval of the permit, after the fact, will be five (5) times the normal cost of the permit as established by resolution. If a permit is not subsequently issued, the property owner is responsible, in addition to the permit fee, for all costs to remove the development. If not approved, the development must be removed within 90 days of the date of notice of disapproval.

(4) Flood Hazard Development Standards.

In all areas of special flood hazards the following standards are required:

(a) Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.2. All manufactured dwellings 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 Dwelling Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.3. 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) Utilities1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.2. 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.3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Land Division Proposals1. Land Divisions shall include all partitions and subdivision approved by the City.2. All land division proposals shall be consistent with the need to minimize flood damage.3. All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.4. All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.5. Base flood elevation data shall be provided for land division proposals and other proposed development.(e) Review of Building PermitsWhere elevation data is

not available either through the Flood Insurance Study or from another authoritative source, Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.(f)

Residential Construction1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation.2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.b. The bottom of all openings shall be no higher than one foot above grade.c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.(g)

Nonresidential Construction New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall: 1. Be floodproofed so that below the base flood level the structure is watertight with walls

substantially impermeable to the passage of water.2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Tangent Planning Commission.4.

Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 5.2-1(2) of the NFIP.5. 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).
(h) Manufactured Dwellings All manufactured dwellings to be placed or substantially improved within Districts A1 through A30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured dwelling is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Item (3) (a) 2. above.

(i) Recreational Vehicles Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:
1. Be on the site for fewer than 180 consecutive days.
2. Be fully licensed and ready for highway use on its wheels or jacking system, or is attached to the site only by quick disconnect type utilities and security devices.
3. Meet the requirements of (h) above and the elevation and anchoring requirements for manufactured dwellings.
(j) Outdoor Materials Storage and Processing

Storage and processing of materials in a manner or of a nature that would be hazardous during flooding conditions is prohibited within an area of special flood hazard.

(k) Historic Structures

Permits may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Resources, the State Inventory of Historic Places, or the Linn County Inventory of Historic Resources within the City with floors below base flood level when elevating the floors would adversely affect the historic character of the structure. The provisions of Chapter 49 of the Oregon State Structural Code shall apply in such situations.

(1) Placing Fill in the Floodplain1. Placing any amount of fill material within the floodplain or floodway in a manner that would alter the direction of stormwater flow or otherwise divert stormwater from its normal course requires review and approval by the Planning Commission and a flood hazard development permit.

2. Notwithstanding subsection (1) above, placement of up to 50 cubic yards of fill, either temporarily or permanently, is allowed without a City permit if such fill does not divert or alter flow; however, such fill may require permits from other agencies. If there is any question as to impact on stormwater flow, subsection (1) above applies.

3. A fill permit application will not be processed without a full explanation of the purpose of the fill, the maximum quantity of fill to be placed, the exact location of the proposed fill, and submission of a certificate by a registered professional engineer or registered architect demonstrating that the proposed fill will not increase flood levels during the occurrence of a base flood discharge or otherwise negatively impact the property of others.(m) Floodways Development within areas of special flood hazard designated as floodways is extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, and the following additional provisions shall apply: 1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited 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 item 1. above is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

(5) Flood Hazard Definitions.

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

Area Of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

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

Development means 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 including partitioning and subdivisions.

Fill means any material deposited, excavated or moved upon property, including but not limited to, dirt, rocks and boulders, processed or unprocessed aggregate, asphalt or cement, logs or tree stumps or any other material that will displace water when deposited.

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

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

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

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base

flood without cumulatively increasing the water surface elevation more than one foot.

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

Manufactured Dwelling means 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 flood plain management purposes the term "manufactured dwelling" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Dwelling Park or Subdivision means a parcel (or contiguous parcels) or land divided into two or more manufactured dwelling lots for rent or sale.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this Code.

Start Of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling 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 foundation 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 means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value of a structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged or 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:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes.
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 4.220 PLANNED DEVELOPMENT OVERLAY-DISTRICT, PD

The purpose of the PD Overlay-District is to provide opportunities to create more desirable working or living environments by the application of new development standards applied under an approved plan and program that is professionally prepared. The PD Overlay-District is intended to be used to encourage the application of new techniques and new technology to community development that can achieve economies in land development and maintenance while providing building groupings, open spaces and circulation systems that enhance the working or living environment of the inhabitants. A Planned Development may be residential, commercial or industrial or a mixed combination of land uses. Application procedures are as follows:

(1) Planned Development Applications:

- (a) The City or a property owner may request a PD Overlay-Zone in combination with any Primary Zone in accordance with the application requirements of **Sections 2.110 through 2.140**, the amendment procedure of **Section 2.700** and the requirements of **Sections 4.220** contained herein.

(b) A property owner located in an existing PD Overlay-Zone may request approval of a **PD Plan** in conformance with the requirements of **Sections 4.220** contained herein.

(c) Application for a PD Overlay-Zone or a PD Plan is divided into three phases:

1. The Applicant shall first submit a **PD Conceptual Plan** containing drawings and a written program that is presented in enough detail to clearly describe the proposed development. An informal pre-application review by members of the Planning Commission and City Council will be scheduled in conformance with **Sections 2.110 and 2.120** to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City. This preliminary process is intended to save time and expense for the Applicant and the City but shall not result in a final land use decision by the City.

2. After receiving approval in principle of the PD Conceptual Plan the applicant shall have a **PD Development Plan** prepared by a professional design team that contains drawings and a written program for a formal public hearing and decision by the City.

3. Verification of compliance with the Conditions of Approval by the City Administrator and acceptance of the **Final PD Development Plan** in conformance with the approved **PD Development Plan**.

SECTION 4.221 PD DEVELOPMENT STANDARDS

(1) **Site Size.** A PD Overlay-District shall not be established on less than 5 acres unless the Planning Commission finds that a proposed smaller area can comply with all of the requirements of **Sections 4.220-4.228**.

(2) Comprehensive Plan Compliance and Adjacent Property Protection.

(a) The development plan and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements in compliance with the intent of

the Comprehensive Plan that also protects the property rights of adjacent property owners.

(b) Periphery yards of a PD Overlay-District shall be at least as deep as those required by the yard regulations of the underlying District unless the City finds that equal protection will be accorded through the specific design features of the approved plan.

(3) **Lot Coverage and Building Height.** Lot coverage and building height shall be no greater than for the underlying District unless the City finds that an exception is warranted that provides adequate protection to adjacent property as well as additional amenities proposed in the total development.

(4) **Open Space.** Open space in a PD Overlay-District means the land area to be used for scenic or open recreational purposes within the development.

(a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.

(b) Open space shall be adequate for the recreational and leisure use of the population occupying the development and shall be designed to enhance the development.

(c) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.

(d) Instruments guaranteeing the maintenance of open space shall be provided with the proposed plan. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.

(5) **Density.** Greater overall density than that specified in the Primary District may be allowed under a PD Overlay-District based on the specific development design proposed subject to the availability of all required support utilities including water and sanitary sewers. Generally the density provision of the underlying District shall be used as a guideline for a deviation from the standard density. Areas used for public street right-of-way or private roadways intended to provide access to more than two (2) structures shall be excluded when determining the overall density of the

development. Water courses woodlands and open spaces may be utilized in determining the density of development.

(6) **Subdivision Lot Sizes.** Minimum area, width, depth and frontage requirements for subdivision lots in a PD Overlay-District shall be the same as the basic District unless smaller lots are approved in accordance with proposed plan and program.

(7) **Additional Standards and Controls.** The City may require additional standards or controls to protect adjacent property rights or the health, safety and welfare of the general public in compliance with the Comprehensive Plan based upon the specific development request. Additional standards and controls may include, but are not limited to, the following:

- (a) Increasing the required setbacks to protect adjacent properties or solar access.
- (b) Controlling the location and number of vehicular access points.
- (c) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and in general, improving the traffic circulation system including off-site improvements.
- (d) Requiring improvements for utilities or storm drainage facilities including off-site improvements.
- (e) Increasing the number of parking spaces and improving design standards for parking areas.
- (f) Limiting the number, size, location, and lighting of signs.
- (g) Designating sites for open space and recreation and, in general, improving landscaping requirements.
- (h) Requiring view obscuring screening or fencing.
- (i) Establishing time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening or recreation areas.

(j) Requiring contractual agreements with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards acceptable to the City.

(8) **Phased Development.** The applicant may, or the City may require the applicant to develop the site in successive stages as proposed in the PD Development Plan.

(a) Each such stage shall be a substantially complete unit of development.

(b) The City may require that development be done in stages if public facilities are not adequate to service the entire development initially.

(9) **Permitted Uses In Residential PD Overlay-Districts.** The following uses and their accessory uses may be permitted in a PD Overlay-District which has been combined with a Residential District.

(a) Residential use of land.

(b) Related commercial uses when approved by the City.

(c) Related community service uses when approved by the City.

(d) Proposed standards or controls shall be specified in the PD Development Plan and signed by the owners. Where applicable, the requirements may be made part of future deed CC&R's.

SECTION 4.222 PD CONCEPTUAL PLAN

An applicant shall submit at least fifteen (15) copies of a conceptual drawings and a written program to the City for review and acceptance of the proposed development in principle. An informal review by members of the Planning Commission and City Council will be scheduled to determine if the requested PD appears to conform to the City's PD requirements and is conceptually acceptable to the City. The proposal shall address the following elements.

(1) **Elements of the Plan.**

(a) Vicinity map showing location of streets and lots in the area within 300 feet of the proposed development.

- (b) Existing lands uses.
- (c) Proposed land uses, including housing unit densities (number of units per acre, type of residence, and number of bedrooms by type of residence); commercial facilities, such as shopping, and community facilities, such as schools or parks.
- (d) Building types and approximate bulk.
- (e) Vehicular and pedestrian access, circulation and parking pattern. Status of street ownership.
- (f) Proposed Subdivision layout and easements.
- (g) Parks, playgrounds, and open spaces.
- (h) Existing natural features such as trees, streams and topography.
- (i) Landscaping, screening, and fencing proposals.
- (j) Proposed method of solid waste disposal.
- (k) Proposed method of water supply and sewage disposal.
- (l) Proposed utilities.
- (m) Proposed method for the handling of surface water drainage.
- (n) Proposed grading patterns.
- (o) Street and open space lighting proposals.

(2) Elements of the Program.

- (a) Proposed members of the Professional Design Team.
- (b) Proposed ownership pattern.
- (c) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.

(d) Time table of the development, to include expected starting dates, projection of completion time, and project phasing, if anticipated.

(e) Method of public improvements financing, if any.

(3) Review of PD Conceptual Plan

(a) An informal review with the Applicant and City Officials will be scheduled to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City.

(b) Members of the Planning Commission and City Council shall informally review the PD Conceptual Plan and may indicate that the PD Conceptual Plan is conceptually acceptable or not and may recommend modifications. The informal review shall be based upon compliance with the intent of City's Comprehensive Plan, the intent of City development standards and the extent of deviation from City standards proposed in the PD.

(c) Approval in principle of the PD Conceptual Plan shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility, and does not indicate final City Approval. The City shall reject a PD Development Plan that does not comply with the standards and criteria of this Code, regardless of the outcome of the PD Conceptual Plan Review. The City may require the submission of additional information for the PD Development Plan review.

(d) The City shall review and may recommend expansion, additions, or modifications in the proposed design team for the preparation of the PD Development Plan.

(e) The City may determine the extent of any environmental assessment to be included with the PD Development Plan.

SECTION 4.223 PD DEVELOPMENT PLAN

(1) After receiving approval in principle of the PD Conceptual Plan, the Applicant shall have a PD Development Plan prepared by a professional

design team in such design-related fields as Architecture, Landscape Architecture, Urban Planning, and Civil Engineering.

(2) An applicant for a PD Overlay-District shall also petition for an amendment to the zoning map as specified in **Section 2.700**. Fifteen (15) copies of the PD Development Plan shall be submitted to the Planning Commission and City Council at least 30 days prior to the date of public hearing.

(3) Upon receipt of the PD Development Plan, the Planning Commission and City Council shall hold separate public hearings or a single joint public hearing in accordance with the provisions of **Section 3.510 (3)**. At the public hearing the applicant shall present the PD Development Plan.

(4) **Plan Elements.** In addition to the Application Site Plan required in **Section 2.140**, the PD Development Plan shall contain the following elements:

(a) A complete development plan in conformance with any approved conceptual plan.

(b) Existing and proposed contour map of the site to a scale commensurate with the size of the development.

(c) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.

(d) Existing sanitary sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.

(e) Proposed location and capacity of sanitary sewers or other wastewater disposal facilities, water mains and other underground utilities.

(f) Proposed system for the handling of storm drainage.

(g) A Subdivision Tentative Plan in conformance with **Section 2.300**, if the property is proposed to be subdivided.

(h) A land use plan indicating the uses planned for the development.

(i) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, or other uses dedicated or reserved to the public, if any.

(j) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.

(k) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.

(l) Location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.

(m) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking.

(n) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.

(o) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.

(p) A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

(q) The approximate location, height, materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.

(r) The stages, if any, of development construction. Such stages shall be clearly marked on the PD Development Plan.

(5) Program Elements.

(a) Narrative statement of the basic purposes of the planned development.

(b) Tables showing the total number of acres and the percentage of the total area that is designated for each type of use, including each dwelling type, off-street parking,

streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.

(c) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.

(d) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.

(e) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

SECTION 4.224 DECISION AND FINDINGS

(1) **Planning Commission Decision.** The Planning Commission, after a public hearing in accordance with the provisions of **Section 3.510**, may recommend approval, denial or approval with conditions of the PD Development Plan and the PD Overlay-District.

(2) **City Council Decision.** The City Council, after a public hearing in accordance with the provisions of **Section 3.510** and after receiving the recommendation from the Planning Commission on the PD Development Plan shall either approve the application, deny the application or approve the application with conditions.

(3) **Joint Public Hearing.** A single joint public hearing by the Planning Commission and City Council may be utilized in conformance with **Section 3.510 (3)**.

(4) **PD Development Elements.** Approval of the PD Development Plan includes approval of all attached elements including the PD Overlay-District, a Subdivision Tentative Plan and all Conditions of Approval.

(5) **Decision Criteria.** The recommendation of the Planning Commission and decision by the City Council shall be based upon the following findings:

(a) That exceptions from the standards of the underlying District are warranted by the design and amenities incorporated in the proposed PD Development Plan.

(b) That the proposed development is consistent with the purpose and intent of the Primary District and that adjacent properties are protected from potential adverse affects resulting from the proposed development by appropriate controls or development standards.

(c) That the proposed development, or a unit thereof, can be substantially completed within Two (2) years of final approval.

(d) That the internal PD streets and serving streets outside of the PD are adequate to support the anticipated traffic in conformance with the **TTSP**.

(e) That the proposed utilities and drainage facilities are adequate for the population densities and type of development proposed and will not cause flooding or pollutants to impact the drainage channel inside or outside of the PD Overlay-District.

(f) That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and will not create a hardship to residents either within or outside the PD Overlay-District.

(g) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

SECTION 4.225 OFFICIAL PD DEVELOPMENT PLAN

(1) Following approval of the PD Overlay-District by the City Council, the applicant shall make changes in the PD Development Plan to comply with the Conditions of Approval and submit it to the City Administrator for verification of compliance with the PD Development Plan and Conditions of Approval applied by the City.

(2) If the PD Development Plan is found to be in compliance with the approval conditions, it shall be so certified by the City Administrator and placed in the Record File of the Application as the Official PD Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations.

(3) The Platting procedures set forth in **Section 2.300** shall be followed and included in the Record File if the property is to be divided or streets

are to be dedicated unless private street exceptions have been approved by the City Council.

(4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be certified and placed in the Record File prior to the issuance of any building permit.

(5) Final copies of all approved articles governing operation and maintenance shall be placed in the Record File prior to the issuance of any building permit.

(6) The PD Overlay-District shall be adopted by City Ordinance. The area shall henceforth be shown on the official zoning map as a PD Overlay-District in addition to the Primary District. All building permits shall be issued only in conformance with the Official PD Development Plan recorded in the Record File.

SECTION 4.226 BONDING

(1) A developer may be required to post financial security, to assure his full and faithful performance in completion of the Official Development Plan. The Security must be acceptable to the City Attorney.

(2) If the developer fails to carry out the Official PD Development Plan as approved and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the financial security for reimbursements. If the amount of the financial security exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the financial security is less than the cost and expense incurred or anticipated to be incurred by the City, the developer shall be liable to the City for the difference.

SECTION 4.227 PROPOSED CHANGES IN APPROVED PLANS

(1) Major Changes. Major changes in the Official Development Plan after it has been adopted shall be considered a new petition and shall comply with the procedures for adoption. A Major Change is any change that does not qualify as a Minor Change.

(2) Minor Changes. Minor changes in an approved Official Development Plan may be approved by the City Administrator, provided that such changes:

(a) Do not change the character of the development or the population density.

(b) Do not change the boundaries of the PD Overlay-District.

(c) Do not change any use, such as residential to commercial.

(d) Do not change the location or amount of land devoted to a specific land use.

(e) Do not relax dimensional standards or other specific requirements established by the City as a Condition of Approval.

SECTION 4.228 EXPIRATION

(1) If construction or development has not begun within one year from the date of final approval and acceptance of the Official Development Plan, the City Administrator shall review the status with the owner and make a report of the findings to the Planning Commission and City Council.

(2) Upon abandonment of a particular Planned Development, or if its development has not been substantially completed within the time specified in the Official Development Plan, the City may schedule public hearings to remove the PD Overlay- District unless a request to extend the time limit is approved.

(3) The procedure for removal of a PD Overlay District is essentially the same as for adoption. The proposed removal of the PD Overlay-District shall be reviewed at a public hearing of the Planning Commission to determine whether or not its continuation in whole or in part is in the public interest. If the PD Overlay-District is found not to be in the public interest, the Planning Commission shall recommend to the City Council that the PD Overlay-District of the property be removed. The City Council shall then hold a public hearing on the revocation of the PD Overlay-District and shall either maintain the District, revoke the development plan approval, or grant a time extension if it appears justifiable. If the PD Overlay District is repealed, further use of the property and future structures thereon shall be in accordance with the existing Primary District and may result in a Nonconforming Use.

ARTICLE 5 GENERAL DEVELOPMENT STANDARDS

SECTION 5.010 DEVELOPMENT STANDARDS

In addition to the development standards specified for each zoning district, there are many standards that apply in more than one zoning district. The following Sections

specify development standards applicable within any zoning district in the City of Tangent.

SECTION 5.020 PLAN CONFORMANCE

All developments within the City shall conform to any approved Planned Development, PD Overlay adopted by the City. Developments located within an area that has an approved Planned Development shall comply with the design and construction standards of the Planned Development in addition to those contained in this Code. In cases of conflict, the approved Planned Development standards shall govern.

SECTION 5.110 HEIGHT STANDARDS

Building height standards are specified in **Item (4) of each Zoning District**.

SECTION 5.111 BUILDING HEIGHT EXCEPTIONS

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers aerials, flagpoles, and similar objects not used for human occupancy may exceed the building height limitations of this Code by no more than ten (10) feet unless approved by the Planning Commission as a Variance.

SECTION 5.112 BUILDING PROJECTION EXCEPTIONS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 30 inches into a required yard unless approved by the Planning Commission as a Variance.

SECTION 5.113 LOT SIZE

Lot size standards are specified in **Item (4) of each Zoning District**.

SECTION 5.114 LOT SIZE EXCEPTIONS

If a lot, as recorded in the office of the County Assessor at the time of passage of this Code, has an area or dimension that does not comply with the lot size requirements of the district in which the property is located, the property may be occupied by a use permitted in the district subject to the other requirements of the district. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zoning district.

SECTION 5.115 YARD SETBACKS

Yard setback standards are specified in **Item (4) of each Zoning District**.

SECTION 5.116 YARD SETBACK EXCEPTIONS

(1) No building shall be erected on a lot that abuts a street having only a portion of the right-of-way (ROW) required by the City's Transportation System Plan (TTSP) dedicated, unless, the yard setbacks are increased to accommodate the required ROW plus the required yard setback.

(2) The Planning Commission may require additional setbacks, street right-of-way dedications and street improvements for development projects that are submitted for review and approval as a Planned Development, Site Plan Review, Conditional Use or Variance.(3) The Planning Commission may reduce the required yard setbacks for special and unusual site conditions in conformance with **Section 2.600, Variances** where compliance with the setback provisions of this Code would create an undue or unnecessary hardship.(4) Commercial & Industrial Setbacks. In commercial or industrial districts where an interior yard is not required and a structure is not located at the property line, it shall be set back at least five (5.) feet from the property line to accommodate access to the building.

(5) Automobile Service Station Setbacks. In a district where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required exterior yard, provided they are a minimum of 15 feet from the property line.

(6) Solar Access. It is necessary and desirable that every building and use have a right to adequate air, light and access to solar energy.

(a) The City may require additional setbacks to protect access to solar energy for non-residential buildings requiring a Site Plan Review or Conditional Use.

(b) This shall apply only in the zones where it is not permitted to build directly up to the property line.

(c) No obstruction by one building to another shall occur where the height of the new building will obstruct an existing building from solar exposure on the opposite side of a property line. This condition does not apply to buildings constructed on the same property.

SECTION 5.117 DRAINAGEWAY SETBACKS

(1) All fish-bearing streams and all year-round flowing streams shall have a minimum setback of 50 feet from the top of each bank. Additional setbacks may be required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and

Riparian Area Inventory. Building permit applications and land use applications to the City shall clearly indicate the boundary limits for riparian areas, wetlands and floodplains. Alteration of these areas, other than for continuation of agricultural use, by grading or placement of structures or impervious surfaces is prohibited unless approved by the City in accordance with the procedures of city ordinances and state law.(2) All other intermittent drainageways and watercourses shall have a minimum setback that includes the vegetative fringe or a minimum 15 feet from the center of the drainageway whichever is greater. Additional setbacks are required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory and **Section 5.118** and **Section 5.126, Storm Drainage, Item (2)** of this Code.

SECTION 5.118 PONDS, WETLANDS & RIPARIAN AREAS

The Tangent Local Wetlands and Riparian Area Inventory is the City's official Local Wetlands Inventory (LWI). Compliance with the standards contained therein is required by this Code.

Wetlands are defined as those areas that are inundated or saturated often enough to support a prevalence of vegetation adapted for life in standing water or saturated soil.

(Hydric Soils). Wetlands include swamps, bogs, marshes and similar areas.

Riparian Areas are defined as the area immediately adjacent to surface water such as rivers, streams, ponds, lakes, wetlands and springs consisting of transition areas between aquatic ecosystem to terrestrial ecosystems.

Ponds are defined as a confined body of water in which water stands in a closed depression that is smaller than a lake.

(1) **Regulation.** Development within wetlands is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Department of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies, including DLCD.

(2) **Notice. ORS 227.350** specifies that cities shall provide notice of proposed wetlands development to the DSL.

The city shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Tangent Local Wetland and Riparian Area Inventory.

- (a) Subdivisions;
- (b) Building permits for new structures;
- (c) Other development permits and approvals that allow physical alteration to the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
- (d) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
- (e) Planned unit development approvals.

(3) The provisions of Subsection (2) of this Section do not apply if a permit from the DSL has been issued for the proposed activity.

(4) Approval of any activity described in Sub-section (2) above shall include one of the following notice statements:

- (a) Issuance of a permit under **ORS 196.600 to 196.905** by DSL is required for the project before any physical alteration takes place within the wetlands;
- (b) Notice from DSL that no permit is required; or
- (c) Notice from the DSL that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

(5) If DSL fails to respond to any notice provided under Subsection (2) of this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.

(6) The City may issue local approval for parcels identified as or including wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

(7) Notice of activities authorized within an approved wetland conservation plan shall be provided to the division within five days following local approval.

(8) Failure by the City to provide notice as required in this section will not invalidate City approval.

(9) **Development Standards.** No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and all other regulatory agencies having jurisdiction.

SECTION 5.119 POND & WETLAND CONSTRUCTION

(1) **Purpose.** To Protect the City's groundwater from contamination the following measures are required to guide the construction of ponds and the restoration, enhancement and creation of wetlands. Modifications to existing ponds and jurisdictional wetlands shall qualify as a ponds and wetlands construction project and shall comply with the **Conditional Use** provisions of **Article 2.500**.

(2) **Conditional Use Application for Ponds & Wetlands Construction.** For consideration of a pond or wetland project construction request, the Applicant shall provide the City with a completed Conditional Use Application, accompanied by the following information:

(a) **Drawings.**

1. A Vicinity map showing the location of the subject property in relation to the Tangent City Limits.
2. A site plan showing the entire subject property and the proposed basin, with distances to property lines, wells, septic systems, including repair areas, structures, roads, driveways, and other physical features. The plan shall also indicate uses of all adjoining properties.
3. The type and function of the proposed constructed pond or wetland project.
4. Dimensions, including but not limited to length, width, depth(s), volume and configuration of the proposed basin.

5. The source of water supply for the proposed constructed pond or wetland project.

6. Soil types mapped for the entire subject property available from the USDA Natural Resources Conservation Service or from the City. Hydric soils, as defined by DSL, shall be highlighted or otherwise accented on the plans. A map and list of hydric soils in the Tangent Urban Growth Boundary is available at the Tangent City Hall.

7. Existing vegetation and vegetation proposed to be cleared or otherwise removed, maintained, and/or introduced, including timing or phasing of plantings. Species that are native to the area in which the subject property is located shall be indicated. Wherever possible re-vegetation proposals shall be generally compatible with native species occurring at the site. Vegetation plans may depend largely upon the type and intended purpose of the pond or wetland construction project.

8. Well locations, abandoned or operational, within the all of the contiguous property under the same ownership and the abutting properties. Well log reports, if existing, shall be provided for each well. Landowners and applicants shall comply with all **WRD** requirements applicable to wells.

(b) **Descriptive Narrative.** Provide a descriptive narrative describing the following:

1. Project type and intent;
2. Identification of all local, state and federal agencies requiring permits and the status of those permit applications;
3. Proposed materials and design of the basin's bottom surface;
4. Information about the permeability of soils.
5. Source of water for the project;

6. Practices intended to ensure levels of water adequate to meet the design criteria throughout the year;

7. A detailed explanation of plant species to be maintained or introduced. The proposed placement of seedlings, and the planned removal of any existing vegetation.

8. Phasing or timing of any excavation, impoundment, stream diversion, construction, removal or introduction of vegetation, or other activities associated with the project, and an estimate of the time of completion of the project;

9. The narrative may also include a discussion of the objectives of the project and any other pertinent information not otherwise provided for in the application.

10. Any additional details or materials requested by the City that are deemed necessary to facilitate a thorough review and evaluation of the Conditional Use Application.

(c) **Agency Coordination.** The Applicant shall submit the following agency coordination information to the City for the Record File.

1. The applicant is required to demonstrate coordination with all local, state and federal agencies participating in the proposed project. This testimony may be in the form of copies of the permits or correspondence on official letterhead from the applicable agencies indicating the necessary permits are pending. **Approval is contingent upon approval and permitting by the participating local, state or federal regulating agencies.**

2. Agencies which the applicant is responsible for contacting regarding a proposed ponds or wetlands construction project are: the Oregon Division of State Lands (DSL), the Oregon Department of Water Resources (WRD); the Oregon Department of Fish and Wildlife (ODFW), and the U.S. Army

Corps of Engineers (ACOE and the U.S. Department of Agriculture, Agricultural Stabilization & Conservation Service for construction on farmlands and any other agency having authority.

3. No modification of an approved plan is permitted without acceptance of the revised plan by all participating agencies.

4. If approved, construction of the project shall minimize impacts upon existing and natural conditions.

(3) The Planning Commission may approve or deny an application to construct ponds or wetlands. Consistent with the provisions of **Section 2.500** the Planning Commission may also attach Conditions of Approval to ensure compatibility with surrounding natural systems and land uses and which are determined by the City to be in the public interest.

SECTION 5.120 PARKING

The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. The TPWDS shall be adopted by Resolution and compliance with the standards contained therein is required by this Code. For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

(1) Design and Improvement Requirements for Parking Lots:

(a) All parking areas and driveway approaches shall be paved in accordance with the **TPWDS** unless gravel is approved by the Planning Commission as a temporary use to facilitate drainage through the Conditional Use or Variance procedures of this Code. Permitted graveled areas are a temporary use and shall be paved in accordance with the TPWDS when requested by the City.(b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Handicapped Parking must comply with the Oregon Structural Specialty Code.(c) Off-street parking areas for other than single-family and two-family dwellings shall be served by a service driveway and turnaround so that no backing movements or other maneuvering shall occur within a street other than an alley. Design for parking lots shall conform to the Off-street

Parking Diagrams contained in the **TPWDS**.(d) A Parking space dimensions shall conform to the Off-street Parking Diagrams contained in the **TPWDS**.(e) The outer boundary and all landscaped islands of a parking area shall be contained by a 6" high curb for protection of landscaping, pedestrian walkways and to contain rainwater runoff. No motor vehicle shall project over the property line.(f) All parking areas, except those in conjunction with a single family or two-family dwelling, shall have adequate drainage to dispose of the run-off generated by the impervious surface area of the parking area. On-site collection of drainage water shall not allow sheet flow of water onto sidewalks, public right-of-ways or abutting property and shall detain out-flow velocities to that of undeveloped land. All drainage systems shall conform to the standards contained in the **TPWDS** and shall be approved by the City as part of the review and approval process for Planned Developments, Site Plan Reviews, Conditional Uses and Variances and shall be approved for all Building Permits.(g) Service driveways to off-street parking areas shall not be designed and constructed to impede the flow of traffic, limit safety of traffic access and egress, and limit safety of pedestrian and vehicular traffic on the site. The number of service driveways shall not exceed the minimum that will allow the property to accommodate and service the traffic anticipated.(h) All off-street parking areas within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the City to minimize disturbances to adjacent residents pursuant to **Section 5.134 (9) (a) 1.**

(2) Required off-street parking shall be provided on the development site unless a Variance is approved by the City pursuant to **Section 2.600**.

(3) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, trucks, or materials used in the business, or for repair or servicing.

(4) Provisions for and maintenance of off-street parking spaces are continuing obligations of the property owner. No building permit or other approvals shall be issued until plans are presented that show the complete parking layout. The subsequent use of property for which approval is granted shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this Code.

(5) Should the owner or occupant of a lot or building change the use of the property to a use that increases the off-street parking requirements, it shall be unlawful and a violation of this Code to begin or to 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 property, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately unless a Variance is approved by the City pursuant to **Section 2.600**.

(7) Owners of two or more uses, structures or properties may agree to use the same parking spaces jointly provided the off-street parking is the sum of the requirements of the several uses. If the hours of operation do not overlap, the parking requirement shall be for the largest number of required parking spaces. An agreement shall be submitted and approved by the Planning Commission as a Conditional Use or Variance for the cooperative use of the parking facilities.

(8) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany all requests for City approval or a Building Permit.

(9) Parking lots shall be provided with landscaping as provided in **Section 5.134** and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, and to improve the appearance of the parking lot.

(10) Off-street parking shall be sufficient to accommodate the needs of the on-site use and shall not be less than the off-street parking requirements specified in **Section 5.121**. Fractional space requirements shall be counted as a whole space. When square feet are utilized to determine the required parking spaces, the area measured shall be the gross floor area of the building primary to the use but shall exclude any area within a building used for off-street parking, loading, or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

SECTION 5.121 MINIMUM OFF-STREET PARKING REQUIREMENTS

Use Space Requirement

(1) Residential

(a) One and two family 1-4 Bedrooms - 2 spaces dwelling
5+ Bedrooms – 3 spaces(b) Multiple family Studio 1
space/unit dwelling 1-2 Bedrooms 1 space/unit 3+
Bedrooms 2 space/unit Plus 1 space per six units for
guests(c) Rooming or boarding house Spaces equal to 80%
of the number of guest accommodations plus 1 space per
staff person(d) Home Occupation I space per 500 sf of
occupational space plus the residential requirement(e)
Hotel, Motel, Inn 1 space per guest room plus 1 space per
staff person

(2) Institutional

(a) Convalescent hospital, 1 space per two beds for patients
or nursing home, sanitarium residents plus 1 space per
employee rest home, home for the aged

Use Space Requirement

(3) **Public Assembly**(a) Church 1 space per four seats or
eight feet of bench length, or one space for each 36 sf of
floor area of main auditorium not containing fixed seats(b)
Library, reading room 1 space per 400 sf of floor area plus
one space per two employees(c) Pre-school nursery, 2
spaces per teacher kindergarten(d) Elementary, Junior 2
spaces per classroom plus 1 space High or High School per
administrative employee

(e) Other public assembly or 1 space per six seats or eight feet meeting rooms of bench
length, or one space for each 36 sf of floor area for assembly room not containing fixed
seats(4) **Commercial**(a) Retail store or Shopping 1 space per 200 sf of floor Centers area
designated for retail sales(b) Service or repair shops 1 space per 400 sf of floor area
equipment rental, retail stores handling bulky merchandise such as automobiles, furniture
or nursery(c) Banks and Offices 1 space per 300 sf of floor area(d) Medical and dental 1
space per 200 sf of floor clinic area plus one space per employee(e) Eating, drinking or
indoor 1 space per 100 sf. of floor recreational establishment area(5) **Industrial**(a)
Manufacturing, fabrication 1 space per employee plus 1 processing, assembly space per
300 sf of office or public area(b) Warehouses, mini-storage, 1 space per employee plus
one rail or trucking freight terminal space per 300 sf of office or public area (c)

Wholesale sales and 1 space per employee plus one distribution space per 300 sf of office or public area **Use Space Requirement**

(7) **Parking Requirement** Required off-street parking shall be that needed to support the on-site uses including the public and employees regardless of the standards specified herein. (6) **Unspecified Uses** Any use not specifically listed

in this section shall have a parking

requirement determined by the

City, based on the parking space

requirements for comparable uses.**SECTION 5.122 TRANSPORTATION STANDARDS**The City of Tangent has adopted the **Tangent Transportation System Plan (TTSP)** and the **Tangent Public Works Design Standards (TPWDS)**. **Compliance with the standards contained therein is required by this Code.**

(1) **General Provisions**

(a) The following provisions shall apply to the dedication, construction, improvement or other development of public right-of-ways in the City of Tangent. All public improvements shall be designed in conformance with the specific requirements of the City's most current **TPWDS**.

(b) Development proposals shall provide for the continuation of existing and proposed streets, bikeways and pedestrian facilities located outside the development, to maintain the continuity of traffic circulation for all modes of travel in the City.

(c) The Tangent Comprehensive Plan and Transportation System Plan require that development proposals shall provide their proportional share of the transportation infrastructure necessary to accommodate the proposal, and to ensure the practicality and efficiency of providing adequate services to and through the subject property.

(d) The **TTSP** plans for the transportation needs of the community by planning for improvements to existing and new transportation facilities to accommodate vehicle, bicycle, and pedestrian needs of the community as growth occurs.

(e) Future development within the Tangent City Limits shall comply with the Future Streets Plan and the Bicycle and Pedestrian Plans contained in the **TTSP**.

(2) Future Streets Plan Conformance

(a) At the time of development, property owners shall ensure that sufficient transportation infrastructure is available to serve the development. This can be accomplished through any of the following methods approved by the City:

1. Dedicate right of way and construct streets indicated on the City's Future Streets Plan;
2. Participate in a Local Improvement District or similar mechanism to effect the construction of the streets indicated on the City's Future Streets Plan;
3. Enter into an agreement with the City of Tangent, acceptable to the City, indicating when and how the dedication and improvements will be completed; or
4. Any other method approved by the City that ensures the appropriate level of transportation infrastructure is available to serve the proposed development.

(b) The level of participation by property owners in required new street construction shall be determined based upon evaluation of the amount of frontage that exists on an existing or future public street and upon the impacts of the proposed development to the City's transportation system.

(c) New streets indicated on the City's Future Streets Plan are conceptual in their general location, and may be modified by the City or upon request by property owners in conjunction with specific development requests. Such a change may only be effected upon a demonstration that:

1. The requested modification will reasonably allow the continuation of the general layout of the future streets network as identified in the Transportation System Plan, and

2. The public benefits of the development concept outweigh specific conformance with the City Street Plan

Consistent with **TTSP Policy 10**, no adjustment shall result in a future right-of-way indicated on the Future Streets Plan being relocated off-site from the tract or tracts upon which it is indicated on the City's Future Street Plan.

(d) In addition to the new facility construction projects indicated in the TTSP new street dedications and/or constructions may also be required in conjunction with land divisions or development approvals and/or based upon a public need as identified by the City. It shall be the burden of the developer to provide internal streets for new subdivisions, land partitions, manufactured dwelling parks, industrial parks and commercial centers sufficient to serve the needs of those developments.

(3) Pedestrian & Bicycle Plan Conformance

(a) The purpose of this subsection is to provide safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided. This section is also intended to ensure that new development avoids wherever possible levels of automobile traffic that might interfere with or discourage pedestrian or bicycle travel. Consistent with **TTSP Policy 37**, the City of Tangent shall consider pedestrian and bikeways when reviewing all development proposals and street improvements.

(b) At the time of development of new subdivisions; multi-family developments; planned developments; shopping centers; and commercial districts adjacent to residential areas and transit stops, such development shall provide on-site facilities to accommodate safe and convenient pedestrian and bicycle traffic from within the development and to neighborhood activity centers within one-half mile of the development. New office parks and commercial developments shall employ accessways and clustering of

buildings to provide internal pedestrian and bicycle circulation.

(c) Developers shall be responsible for improvements conforming with the Sidewalks Plan of **Figure 34** of the **TTSP**. Sidewalks shall be required along arterial, collectors, and local streets, as shown on **Figure 34**.

(4) Existing Street System Improvements

(a) Proposed development on property that is served by an existing public street or right of way that does not meet the City's adopted street standards shall result in a requirement that the owner or developer improve the existing street or right of way in order to accommodate the proposal and to bring the transportation facility into compliance with the applicable standards.

(b) Consistent with subsection (3) and (4) above, any required off-site transportation improvements shall include accommodations for safe and efficient bicycle and pedestrian travel. Any required new street, parking area, or pedestrian or bicycle way may be required to be preceded by an approved drainage plan for approval by the City to ensure that the new construction will not cause or augment ponding or flood damage.

(c) The City may consider a flexible interpretation and/or enforcement of street standards when the tests and procedures of **TTSP Policy 14** are met.

(5) Access Management

(a) All new commercial or industrial uses, multi-family residential uses, subdivisions, and manufactured dwelling parks, including expansion of existing uses, that propose to utilize either Old or New Highway 34 (until such time as the State of Oregon no longer owns Old Highway 34) or Highway 99E as access shall submit for City approval a Traffic Assessment, which shall include the following:

1. Location of access points;
2. Estimates of the amount of traffic that will utilize the above access points;

3. Effect that the proposed development will have on traffic movement of both vehicles and pedestrians on Highway 34 and/or 99E;

4. The identification of all improvements that will be required to maintain adequate traffic flow; and

5. Permit approval by the Oregon State Highway Division.

6. Additional details, including but not limited to a professional traffic impact study, may be required by the City of Tangent. Coordination with ODOT prior to undertaking a traffic impact study will help ensure that issues necessary for issuance of a road approach permit from ODOT are adequately addressed.

(b) In accordance with the Oregon Highway Plan, where a right of access exists, access to a property at less than the designated spacing standard shall be in accordance with the Oregon Highway Plan. Where a right of access exists, access to a property at less than the designated spacing standard shall be allowed only if that property does not have any other reasonable access and the designated spacing cannot be accomplished. If possible, other options should be considered, including joint access. Only one approach per property shall be allowed to a street owned by either the City of Tangent or Linn County, except that more than one access may be considered if the City finds that additional access is necessary to accommodate and serve traffic associated with the use of the property.

(c) Access to Highways 99E and 34 will be provided only where adequate access to another street or driveway is not feasible, and only in a manner that is consistent with the City's Transportation Policies and guidelines as contained in the TTSP; the Tangent Public Works Design Standards; the Oregon Highway Plan; and OAR Division 734-0051, Access Management Administration Rules.

(d) Intersections and driveway spacing shall be regulated as prescribed in **TTSP Section 20.2.4, Access Management**.

(6) **Clear Vision Areas:** In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two

streets, a street-alley or a street-railroad. A clear vision area shall also be maintained at all driveways intersecting a street. **See Section 2.22** of the **TPWDS**.

(a) All properties shall maintain a clear triangular area at street intersections, railroad-street intersections, alley-street intersections and driveway-street intersections for safety vision purposes.

(b) Clear Vision areas for Streets or Commercial or Industrial Driveways shall be as specified in the **TPWDS, Section 2.22**.

(c) A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

SECTION 5.123 STREETS

The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code. Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Tangent in conformance with the **TPWDS Drawings Numbered 200 through 204**.

Urban street improvements may be deferred by the City as a condition of approval for Subdivisions, Partitions, Site Plan Reviews, Conditional Uses or Variances where future urban road or utility improvements will occur in the future and on property in the rural fringe of the City where urban construction standards have not yet occurred. Rural "Turnpike" public streets in conformance with **TPWDS Drawings Numbered 102** that have shoulders and side ditches may be approved in lieu of the required urban streets. A property owner is obligated to provide the required urban street when requested by the City or is obligated to pay their fair share of street improvements if streets are installed by the City at a later date as part of a Limited Improvement District. A Waiver of Remonstrance and a deed CC&R shall be attached to the property to guarantee compliance with this requirement.

(1) The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation

system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:

- (a) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or
- (b) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. The width of travel lanes for streets and roadways in feet shall be adequate to fulfill city specifications as provided for in **Article 7** of this Code and should not be less than the minimums shown in the **TPWDS** and the following Table unless otherwise approved on a development plan.

Arterial, Collector & Local Street Design Table

Street Type	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes / Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Landscape Strip Width	Sidewalk Width
Arterial	66'	44'	14'	2/12	6'	None'	5'	5'
Arterial	60'	42'	NA	2/12	6'	7' One Side	4'	5'
Collector w/ Parking	60'	50'	NA	2/12'	6'	7' Each Side	None	5'
Collector w/ Landscape	60'	36'	NA	2/12'	6'	None	5'	5'
Local w/	50'	36"	NA		NA	8'	None	5'

Parking on Both Sides				2/12'		Each Side		
Local (Skinny St.)						7'		
Parking on One Side	40'	28'	NA	2/11'	NA	One Side	None	5'

(3) Street Design Considerations for Subdivision, Partition, Site Plan Review, Conditional Use or Variance approval:

(a) A Center Turn Lane may be required at major intersections for traffic safety as determined by the City or County Engineer or the Oregon Department of Transportation, whichever has jurisdiction.

(b) Streets without designated bike lanes shall provide a "shared roadway" bikeway where there is not enough right-of-way provide separate lanes.

(c) Private utility easements shall be required adjacent to right-of-ways.

(d) The Planning Commission shall approve 28-foot wide "Skinny Streets" in developments to reduce maintenance costs and provide a pedestrian-friendly environment. The City Engineer shall determine the adequacy of proposed streets considering:

1. The street shall be adequate to serve the number of dwelling units
2. The street shall be limited in length and not provide through access.

(e) Street trees shall be provided as specified in **Section 5.134**.

(f) Any right-of-way remaining after constructing the above improvements shall be utilized for landscaping and utilities.

(g) Existing Local Streets with right-of-ways exceeding the improvement needs shall provide landscape strips between the curb and sidewalk.

(h) Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-ways may be accepted, if necessary, and replaced with slope, sidewalk or utility easements dedicated on both sides of the right-of-way.

(i) Where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-ways or slope easements shall be required.

(4) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.

(5) Half Street: Half streets, while generally not preferred, shall be approved by the Planning Commission where it finds that the other half will be provided when the adjoining property is divided. Whenever a proposed subdivision or partition abuts a half street, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(6) Cul-de-sacs: A cul-de-sac street shall have a maximum length of 600 feet. A longer length may be approved as a Variance where it can be demonstrated that there is no other alternative. A cul-de-sac shall terminate with a circular turnaround.

(7) Reserve Strips: A reserve strip is a 1 foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. A Reserve strips shall be provided when requested by the City to control access to public streets. The Reserve Strips shall be deeded to the City. A barricade shall be constructed at the end of the street by the land divider and shall not be removed until authorized by the City.

(8) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 300-feet between the centerlines of streets having approximately the same direction.

(9) Future Extensions of Streets: Where necessary to provide access to or to permit a future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition. The resulting dead-end streets shall have a turn-around approved by the Fire District in lieu of a cul-de-sac. Reserve strips shall be required to preserve the objectives of street extensions.

(10) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 75 degrees unless a Variance is approved. Intersection radius for various conditions is specified in the **TPWDS**.

(11) Street Names: Except for extensions of existing streets, no street name shall be used that duplicate or may be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City.

(12) Grades and Curves: Grades shall not exceed 6 per cent on Arterials, 10 per cent on Collector Streets or 12 per cent on other streets. Center line radii of curves shall not be less than 500 feet on Arterials, 300 feet on Collector Streets or 200 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, of at least 0.5 per cent.

(13) Streets Adjacent to Railroad Right-of-ways: Wherever a proposed land division contains, or is adjacent to a railroad right-of-way, a distance between the streets and the railroad right-of-way shall provide sufficient depth for landscape screening along the railroad right-of-way and for lot or parcel size in conformance with the zoning district.

(14) Railroad Crossings: Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be born by the land owner unless an equitable means of cost distribution is approved by the City.

(15) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks and singularly owned developments as part of the land division or development approval. Design standards shall be the same as those required for public streets unless an alternative is approved by the City as a Variance. The City shall require verification of legal requirements for the continued maintenance of private streets.

(16) Traffic Signals: Where a proposed intersection will result in the need for street signals, signals shall be provided by the developer and the costs shall be borne by the land owner unless an equitable means of cost distribution is approved by the City.

(17) Street Signs: Street signs for identification and traffic control shall be provided by the land owner and the costs shall be borne by the land owner unless an equitable means of cost distribution is approved by the City.

(18) Mail Boxes: Joint mail boxes shall be provided in all residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as recommended by the Post Office having jurisdiction and shall be noted on the plan. The cost shall be borne by the land owner.

SECTION 5.124 SIDEWALKS

The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code. Public sidewalk improvements are required for all land divisions and property development in the City of Tangent and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. A deed CC&R shall be attached to the property and the owner shall provide a Waiver of Remonstrance to guarantee compliance with this requirement.

(1) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City determines that full right-of-way acquisition is impractical.

(2) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.

(3) The City may approve alternate sidewalk alignments and widths to accommodate obstructions that cannot be altered.

(4) Sidewalks in residential areas shall be a minimum of five (5) feet in width and shall be installed adjacent to a landscape strip within the right-of-way unless approved adjacent to the curb by the Planning Commission.

(5) Sidewalks are required for Collector or Arterial Streets and shall be a minimum of five (5) feet in width separated by a landscape strip of 4 to 6 feet in width adjacent to the curb. Sidewalks may be approved adjacent to

the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of five (5) feet in width or a minimum of twelve (12) feet in width adjacent to Street Frontage Commercial properties. Planter openings adjacent to the curb are encouraged within the twelve (12) foot wide walks.

(6) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard of adjacent property.

(7) Maintenance of sidewalks and planters shall be the continuing obligation of the adjacent property owner.

(8) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops or other community services. Mid-block sidewalks shall be raised and shall be 6 feet in width.

(9) Internal pedestrian circulation shall be provided within new office parks and commercial developments by clustering buildings and construction of accessways.

SECTION 5.125 BIKEWAYS

The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code. Bikeways are required along Arterial and Collector streets. Bikeway locations are identified in the **Tangent Transportation System Plan (TTSP)**. Bikeways shall comply with the requirements of the standards contained herein, those contained in the adopted TTSP and should attempt to comply with the "Oregon Bicycle and Pedestrian Plan", an element of the Oregon Transportation Plan.

(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way. The City shall include bikeway improvements as conditions of approval for developments that will benefit from bikeways. Where possible, bikeways shall be separated from other modes of travel, including pedestrianways.

(2) Pedestrian and Bicycle Improvement Requirements

Type of Use	
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	Bikeways Parking & Pedestrian Accessways
Single Family Dwelling & Duplex	No
Multi-family Dwelling	Yes(4+ units)
New Commercial Building	Yes
Commercial Expansion	No
New Industrial Building	Yes
Industrial Expansion	No
Partitions, Subdivisions, Planned Developments, and Manufactured Dwelling Parks	Yes

(3) Bicycle Parking

Minimum Development Requirements: At a minimum bicycle parking facilities shall be consistent with the following design guidelines.

(a) Location: All bicycle facilities shall be:

1. Within 100 feet from a building entrance.
2. Located within a well lighted area.
3. Clearly visible from the building entrance.
4. Covered bicycle parking is encouraged but not required.

(b) Bicycle parking shall be visible or a sign shall be used to direct users to the parking facility.

(c) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.

(d) An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.

(e) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, "rack", upon which the bicycle

can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured.

(f) Bicycle parking provided for employees shall be covered or employees shall be provided access to a secure room within a building for bicycle parking.

(g) Uses listed in this subsection shall provide bicycle parking at the following ratios:

Bicycle Parking Spaces Table

Type of Use	Minimum Number of Spaces
Single Family Residential	None Required
All other developments including expansions of more than 20 percent of the original floor area	Minimum of 2 Each use shall have a minimum of 2 spaces or the greater of the following
Multi-Family Residential Over 4 units	1 space per dwelling unit
New Retail, Office, Transit or Institutional facilities	1 space per 20 vehicle parking spaces plus 4 spaces per public entrance
New Industrial facility	1 space per 20 vehicle parking spaces plus 4 spaces per employee entrance
Schools	4 spaces per classroom

Upon request, the City will provide ODOT’s guidelines for the construction of bicycle parking

for the cost of copying.

SECTION 5.126 STORM DRAINAGE

The Tangent Drainage & Stormwater Management Plan is the City's guide for stormwater management. Compliance with the standards contained therein is required by this Code. Urban level curb inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Tangent. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainageways.

(1) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Paving, roof drains and catch basin outflows shall require detention ponds or cells to control stormwater discharge unless the City Administrator determines that discharge controls are not required. Maintaining proper drainage is a continuing obligation of the property owner. The City shall approve a land division or development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Administrator. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage shall be shown on every land division or development plan submitted for approval.

(2) Natural Drainageways. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation.

The City encourages protection of natural drainageways as linear open space features wherever possible within the City. Discharge of pollutants and sediments is prohibited. Setbacks are required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory and **Sections 5.117** and **Section 5.118** of this Code.

(3) Easements. Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as defined in **Section 5.117**. Improvements to existing drainageways shall be required of the property owner.

(4) Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City shall review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(5) Effect on Downstream Drainage. Where it is anticipated by the City that the additional run-off resulting from the development will overload an existing drainage facility, the City shall require approval of the development to prevent such overloading, or deny the application if the overloading cannot be prevented through mitigation.

(6) Drainage Management Practices. Developments within the City must employ drainage management practices approved by the City that limit the amount and rate of surface water run-off into receiving streams or drainage facilities. Stormwater runoff rates for new developments shall not exceed bare land runoff rates. Drainage management practices must include, but are not limited to one or more of the following practices:

- (a) Temporary ponding or detention of water to control rapid runoff;
- (b) Permanent storage basins;
- (c) Minimization of impervious surfaces;
- (d) Emphasis on natural drainageways;
- (e) Prevention of water flowing from the development in an uncontrolled fashion;
- (f) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
- (g) Collection and transport of runoff from impervious surfaces to a natural drainage facility with sufficient capacity to accept the discharge; and
- (h) Other practices and facilities designed to transport storm water and improve water quality.

(7) Design Requirements for New Development. All new development within the City shall make provisions for the continuation and projection

of existing storm sewer lines or drainageways serving surrounding areas. Drainage improvements shall be required-through the interior of a property to be divided or developed to facilitate upstream flows.

(8) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit may be required from the Department of Environmental Quality (DEQ) for construction activities including clearing, grading, and excavation.

SECTION 5.127 WATER

The Tangent Water Feasibility Analysis & Water System Master Plan is the City's guide for water system construction standards. Compliance with the standards contained therein is required by this Code. Water systems shall be designed to City standards so that they can be incorporated into a future City water system.

Where water systems are required, the City shall require water systems to be installed with adequate fire flows in consultation with the Tangent Fire Chief and City Engineer, and to meet the requirements of Insurance Service Offices (ISO) for all categories of development.

(1) When Public Water is Available. All new development, including a single-family residence, must extend and connect to the public water system, when service is available within 200 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the Local Fire District.

(2) Water Line Extensions. Water distribution lines serving a property or development shall accommodate system expansion and provide system looping to accommodate fire flows. All public water system line extension sizes shall be approved by the City.

(3) Water Plan Approval. All proposed water plans and systems must be approved by the City as part of the review and approval process.

(4) Design Requirements for New Development. All new development within the City shall make provisions for the extension of public water lines as provided in the Water System Master Plan.

(5) Restriction of Development. The Planning Commission or City Council may limit development approvals where a deficiency exists in the water system or portion thereof that cannot be corrected as a part of the proposed development improvements.

SECTION 5.128 SANITARY SEWERS

The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code.

- (1) When Public Sewer access is available all new development must extend and connect to the public sewer system.
- (2) Sewer Line Extensions. Sewer collection lines serving a property or development shall accommodate system expansion. All public Sewer collection line extension sizes shall be approved by the City.
- (3) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City as part of the review and approval process.
- (4) Design Requirements for New Developments. All new development within the City shall make provision for the extension of existing sewer lines to serve adjacent areas as provided for in the Sewer System Master Plan.
- (5) Restriction of Development. The City may limit development approvals where a deficiency exists in the sewer system or portion thereof which cannot be corrected as a part of the development improvements.

SECTION 5.129 UTILITIES

- (1) It is the intent of the City to place all utilities underground wherever practical except as otherwise provided herein.
- (2) All utilities shall be located underground in subdivisions.
- (3) All utilities shall also be located underground in all partitions to City minimum urban parcel size.
- (4) All subdivided lots and all minimum parcel partitions shall have a covenant requiring underground utility installations in the Covenants, Conditions and Restrictions for each lot or parcel.
- (5) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

- (a) Underground utility locations are not feasible.
- (b) The proposed lots or parcels are larger rural properties or where existing properties in the vicinity have overhead utilities.
- (c) Temporary or emergency installations.
- (d) Major transmission facilities located within right-of-ways or easement.
- (e) Industrial developments with large power requirements.
- (f) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.

SECTION 5.130 EASEMENTS

- (1) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.
- (2) Access easements may be approved by the Planning Commission as provided in **Section 5.122**. Single lane easements shall be a minimum of 12 feet wide. Two lane access easements shall be 20 feet wide.
- (3) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review.
- (4) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a setback containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes as specified in **Section 5.117**. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area and shall be verified and approved by the City Administrator.

SECTION 5.131 BLOCKS

- (1) General: The length, width, and shape of blocks shall be designed to provide building sites for the intended use in conformance with the Zoning District and shall accommodate the limitations and opportunities of topography.

(2) Size: Block size shall not be more than 1,000 feet between street corners unless topography, development obstructions, or the location of adjoining streets justifies a Variance. A block shall have sufficient depth to provide for two tiers of building sites.

(3) Large Property Divisions: The Planning Commission shall require that large rural land divisions be of such size and shape that the property can accommodate the extension and opening of streets at intervals that will permit a subsequent re-division of property into lots, parcels or blocks of smaller urban size.

(4) Traffic Circulation: Blocks shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers and commercial and industrial areas unless alternative pedestrian and bicycle accessways are provided.

SECTION 5.132 BUILDING SITES

(1) Size and shape: The size, shape and orientation of building sites shall accommodate the intended use and shall comply with the standards of the Zoning District and the other standards of **Article 5** specified herein.

(a) No lot or parcel shall be created or utilized unless there will exist a municipal water and sewage disposal system to support the proposed use.

(b) The size and configuration of commercial and industrial properties shall accommodate the intended use, the required off-street service and parking facilities and landscaping.

(c) Existing lots or parcels smaller than City standards may be maintained as a nonconforming use within the district. Damaged or destroyed buildings and structures may be restored or replaced in conformance with **Section 4.080**.

(d) Land division proposals for large rural lots that are capable of further division into smaller urban lots shall provide plans that show by dash lines future streets and lot divisions to smaller urban standards as part of the Tentative Plan approval process. Proposed buildings shall be located within the future urban property line and setback standards to facilitate an orderly division and use of the property in the future.

(e) Flag Lots or Parcels: Flag lots or parcels are not permitted. The Planning Commission may permit Flag Lots only when other alternative means of access cannot be provided as described in **Item (3)** below.

(2) Access: Every property shall abut a public street, other than an alley, for a minimum width of 25 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.

(3) Access Alternatives: The following access alternatives to Flag Lots or Parcels may be approved by the City for partitions or, in some circumstances, small subdivisions:

(a) Approval of a single access road easement to serve all of the proposed parcels with a provision for conversion to a dedicated public road right-of-way when requested by the City. The easement shall have the same width as required for city street right-of-way.

(b) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City shall require a waiver of remonstrance and an agreement for improvements as a deed condition.

(c) Approval of a private road that does not meet all of the standards for public streets. This approach shall only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.

(d) Through Lots and Parcels: Through lots and parcels are not permitted unless approved as a Variance to accommodate unusual conditions affecting the property or use.

(e) Lot and Parcel Side Lines: The lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. An alternative design may be approved when such a pattern is not practicable.

(f) Building Lines: If special building setback lines are to be established in a land division, they shall be shown on the subdivision or partition Tentative Plan and Plat or, if temporary in nature, they shall be included in the deed restrictions.

SECTION 5.133 GRADING

General grading shall conform to **Tangent Ordinance 98-01 Excavation and Grading** and the **Linn County Code** as it applies to the **Oregon Structural Specialty Code**, and the following standards unless engineered and approved by the City.

- (1) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.
- (3) The type and characteristics of imported fill soils shall be the same or compatible with the existing soils on the site.
- (4) Fills for streets and building sites shall be engineered and approved by the City.
- (5) All sites shall be graded to direct storm water to City storm sewers or to natural drainage ways.
- (6) All grading activities shall comply with any required removal or fill permits issued by the State or Federal agencies.

SECTION 5.134 LANDSCAPING(1) Purpose. The City of Tangent recognizes the aesthetic and economic value of landscaping, and encourages its use to: (a) Establish a pleasant community character. (b) Enhance the community's general appearance; (c) Buffer and screen unsightly features; (d) Provide aesthetic consistency in developments; (e) Buffer parking areas and lots;(f) Conserve energy by providing shade and shelter. To achieve these goals, all properties shall be landscaped and maintained according to the standards contained herein. All front yard or street side yard setbacks and parking areas shall be landscaped in accordance with the following requirements:

(2) **General Provisions.** The general provisions stated below apply to all new developments where landscaping, buffering, screening or fencing is required.

(a) Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with irrigation to maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.

Exceptions: Undeveloped properties or the undeveloped portion of large properties with an unused areas exceeding 4,000 square feet are exempt from the landscape requirements specified herein provided the lot or area is maintained so weeds and wild vegetation do not adversely affect adjacent developed properties. Removal of noxious weeds and vegetation will be enforced through the City's Nuisance Ordinance.

(b) A site and species-specific, detailed landscape and irrigation plan shall be submitted to the City for review and approval with all applications. Existing trees, plantings and special site features shall be shown on all submitted plans and shall clearly indicate items proposed to be removed and those intended to be preserved. The plan shall be drawn to a scale that is a multiple of 10 feet, shall include required fencing, buffering, screening, tree plantings, and any monument locations. The plans shall be of professional quality, and must be acceptable to the City. Development permits shall not be issued until the City determines that the plans comply with the specific standards of this Section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy, and provide a minimum of eighty percent ground coverage within three years.

(c) Care and maintenance of on-site landscaping and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City Ordinances specify otherwise. A City permit is required to plant, remove, or significantly prune any trees in a public right-of-way.

(d) It shall be the continuing obligation of the property owner to maintain required landscaped, screened and fenced areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

(e) Existing plant and tree specimens and special site features shall be preserved, protected, maintained and

integrated into the design of proposed developments except where the City Engineer otherwise deems such plantings would pose a hazard. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be utilized in complying with this section if no cutting or filling of the soil takes place within the drip-line and the tree is protected from damage during construction.(g) Irrigation systems shall be required for planting areas, unless specifically waived by the City. A detailed irrigation system plan shall be submitted with the development permit application and must be approved by the City. The plan shall indicate source of water, pipe location and size, and specifications of the backflow device. The irrigation system shall utilize 100 percent sprinkler head to head coverage or sufficient coverage to assure ninety percent coverage of plant materials in three years.

(h) In no case shall shrubs, conifer trees, or other screening be permitted within the vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would pose a hazard.

(i) Required landscaping, tree plantings, buffering, screening and fencing shall be installed prior to building occupancy. With the exceptions noted below, temporary occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 110% of the cost of materials and labor, as determined by the approval authority, is filed with the City assuring such installation within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the City Administrator when circumstances beyond the control of the developer prevent earlier completion.

Security shall be approved by the City Attorney and may consist of a letter of credit payable to the City, cash, certified check, time certificate, or deposit, or by the builder's/ developer's lending agency certifying to the City that funds are being held until completion or such other assurances as may be approved by the City Administrator.

If the installation of the landscaping is not completed within the required period, the security may be used by the City to either complete the installation, or the security may

be held by the City and other enforcement powers employed to prevent final occupancy until such time as the improvements are completed. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. If the security is insufficient to complete the installation, the property owner is liable for the excess costs including all costs required to obtain the excess.

(j) It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the City approves the site as one where tree roots will not likely interfere with public sewers.

(k) It is unlawful to plant any of the following trees in or adjacent to any street right-of-way or parking strip in the City: Box Elder, Tree of Heaven, Golden Chair, Holly, Silver Maple, Bamboo, Poplar, Willow, Conifers, Cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and Ailanthus.

(l) Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

(m) The Planning Commission may approve alternate standards as part of the approval process for Site Plan Reviews and Conditional Uses if the alternate standards do not alter the purpose and intent of this Section.

(3) Residential & Minimum Front Yard Setback Landscaping. All front yard setback areas and exterior street side yard setback areas are required to be landscaped. Minimum landscaping per 1,000 square feet of required setback area shall be as follows unless buffering is required in as specified **Item (8)**:

(a) Street Trees in conformance with **Item (5) (b)** below unless Street Trees are provided in a street landscaped strip.

(b) A minimum of 1 tree at least six feet in height if Street Trees are provided in a street landscaped strip.

(c) Five 1-gallon shrubs or accent plantings.

(d) Fifty percent (50%) of the remaining landscaped area exclusive of walks, drives, parking areas and buildings

shall be planted with suitable living ground cover, lawn, ivy, shrubs and other plantings exclusive of decorative design elements such as fountains, benches, sculptures, planters and similar elements may be placed within the required landscaping area. The remaining area shall be concrete, rocks bark or other decorative ground cover.

(e) Resource uses and dwellings in conjunction with farm uses are exempted from this requirement.

(4) Parking Lot Landscaping:

(a) Parking lots adjacent to residential districts shall be screened from abutting residential districts by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and provide separation for the abutting residences. (b) Parking lots shall have curbed landscaped islands and trees at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. The minimum dimension of the landscaped area excluding the curbs shall be 4 feet and the landscaping shall be protected from vehicular damage by wheel guards. (c) Parking lots containing more than 16 parking spaces shall have a minimum of 5 percent of the area devoted to vehicular circulation and parking areas in landscaping and trees. Landscaping shall be evenly distributed throughout the parking lot and long rows of parking spaces shall be interrupted by landscaped islands. The 5 percent landscaping shall be within or abutting the parking area and shall be in addition to the required landscaped yard setbacks

(5) Required Tree Plantings. Tree plantings in accordance with the following standards are required where there is a City approved street tree plan and for all parking lots with 16 or more cars and for all public road, street or highway frontages that have a landscaped strip. Street trees shall be planted within a designated landscape strip between the curb and sidewalk or outside the right-of-way in street facing yards where there is no landscape strip.

(a) Required Quantity of Trees Planted: The frequency of street and parking trees required in a landscape strip or shall be determined by the canopy size specified in (b) and (c) below). Trees in parking areas shall be dispersed

throughout the lot to provide a canopy for shade and visual relief.

(b) Street Tree Maximum Spacing

1. Large canopy trees - 50 feet
2. Medium canopy trees - 30 feet

(c) Parking Lot Minimum Tree Plantings

1. Medium canopy trees - 1 tree per 8 cars
2. Large canopy trees - 1 tree per 12 cars

(6) **Tree Locations.** Trees may not be planted under the following standards unless approved by the City:

- (a) Three feet from permanent hard surface paving or walkways unless using special planting techniques and specifications approved by the City.
- (b) Within 10' of fire hydrants and telephone poles;
- (c) Within 20' of street light standards;
- (d) Within 10' of a public sanitary sewer, storm drainage or water line;
- (e) Where the tree poses a hazard to the public.
- (f) Where the minimum clearance is less than eight feet above sidewalks and twelve feet above street and roadway surfaces.

(7) **Tree Species:** Tree species shall be selected from the City's approved list. Alternate selections may be approved by the City Administrator following written request.

(8) **Landscape Buffering.** Buffer Plantings are used to visually enhance the City, reduce building scale, provide transition between uses, and generally mitigate incompatible or undesirable views. They are used to soften rather than block views. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. Buffering is not required for single-family residential properties.

(a) A 12-foot wide buffer is required for all commercial and industrial street facing yards and for side and rear yards where a proposed use differs from the abutting property use or zone. (e.g., proposed commercial development adjacent to a residential use).

(b) A buffer depth is 12-feet unless otherwise specified as part of the conditions specified for an approval. A buffer length is equal to the length of the property line with the street or the abutting use.

(c) A buffer area may only be occupied by landscaping, utilities, screening, walkways, bikeways, and accessways. No buildings, or parking areas shall be allowed in a buffer area unless a Variance to this requirement has been approved by the City.

(d) The minimum improvements within a buffer area shall consist of the following at the time of planting:

1. Trees, not less than 10 feet high for deciduous trees spaced not more than 30 feet apart and 5 feet high for evergreen trees spaced not more than 15 feet apart.
2. At least 5 five-gallon shrubs or 10 one-gallon shrubs for each remaining 1,000 square feet of required buffer area; and
3. The remaining area treated with living ground cover (i.e., lawn, ivy, evergreen shrubs, etc.).

(e) Buffering requirements shall supercede the front yard or street side yard landscaping required in **Item (3)** above.

(f) Required Buffering shall be shown on all Site Plan Review and Conditional Use plans submitted for approval.

(9) **Landscape Screening.** Screening is used to obscure or block unsightly views or visual conflicts and where privacy and security are desired. Fences, hedges, berms and walls may be used for screening. Acoustically designed fences and walls are also required where noise impacts require mitigation.

(a) Screening may be required for the following uses in lieu of Buffering as part of the City's Site Plan Review or Conditional Use approvals:

1. Any use other than a single-family residence that abuts a single-family residence or Single-family Residential Zone including commercial, industrial, public and multi-family developments shall have their yard setbacks landscaped and screened to protect the abutting single-family residential properties.
 2. Any Multi-family Development, Manufactured Dwelling Park, Subdivision or Planned Development.
 3. Any Parking Lot exceeding 8 Spaces.
 4. Any Industrial or Utility use abutting Residential, Commercial or Public Uses.
5. Except for one and two family dwellings, garbage collection areas, and service facilities located outside the building shall be screened from public view and landscaped.

(b) Where screening is required or provided, the following standards shall apply:

1. One row of evergreen shrubs shall be planted that will grow to form a continuous hedge at least six feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within two years of planting, or
2. A minimum of a five-foot wood fence or masonry wall shall be constructed, providing a uniform sight obscuring screen, or
3. An earth berm combined with evergreen plantings or wood fence or masonry wall shall be provided which shall form a sight and noise buffer at least six feet in height.
4. At least 5 five-gallon shrubs or 10 one-gallon shrubs for each remaining 1,000 square feet of required buffer area; and

5. The remaining area treated with attractive, living ground cover (i.e., lawn, ivy, evergreen shrubs, etc.).

6. Except for one and two family dwellings, any refuse container or disposal area that would otherwise be visible from a public street, or customer or resident parking area shall be screened from view by placement of a solid wood fence, masonry wall or evergreen hedge between 5 and 8 feet in height. All refuse materials and mechanical equipment shall be contained within the screened area.

7. A chain link fence with or without slats shall not qualify as screening.

(10) The property owner of each proposed development is responsible for the installation and maintenance of all buffers and screens. The City may waive the buffering and/or screening requirements of this section under the Site Plan review procedures where it is determined to be unnecessary due to existing conditions or because the buffering or screening is provided on the adjoining property in conformance with this section.

(11) Where a proposed use abuts land zoned Exclusive Farm Use (EFU), no buffer shall be required on the portion of the property adjacent to EFU zoned property.

(12) Single-family and two-family dwellings and farming are exempt from the buffering and screening provisions.

(13) Buffering and screening provisions shall be superseded by clear vision requirements, where applicable.

(14) **Fencing:**(a) Residential fences, hedges and walls may be located within yard setbacks. Height is limited to 6 feet in required side, rear or interior yards. Height is limited in required exterior street facing yards to 3 feet in height and in a Vision Clearance Areas. Commercial or industrial properties may have 8-foot high fences except in a street facing front yard setback where fences are limited to 6 feet in height.(b) Materials. Residential fences and walls shall not be constructed of or contain any material that would do bodily harm such as electric, barbed or razor wire, broken glass, spikes, or any other hazardous or dangerous materials. Commercial or industrial properties may have barbed wire above 6 feet in height except in the street facing front yard. Link fencing less than 6 feet in height shall be constructed so there will be no barbed ends at the top.(c) Protective fences other than those specified herein shall comply with State Laws and shall be submitted for approval of the City.(d) Sight-obscuring fences, walls or

landscaping may be required to screen objectionable activities as part of the City's review and approval process. Sight-obscuring means 75% opaque when viewed from any angle at a point 25 feet away. Vegetative materials must be evergreen species that meet this standard year-round within 3 years of planting.(e) Maintenance. Fences shall be structurally maintained in a safe condition of repair and shall not lean over an adjoining property or sidewalk, have missing sections or slats, or broken supports.

SECTION 5.135 EXTERIOR LIGHTING

(1) **Street Lighting** shall be provide for all public streets in conformance with the standards specified in the **Tangent Public Works Design Standards**.

(2) **On-site Lighting** is required to protect the safety and welfare of employees, occupants, users, customers and the general public. Exterior lighting shall be provided in parking lots and may be provided elsewhere.

(3) Lighting shall be located and designed to not face directly or reflect glare into on-coming traffic or onto an adjacent residence or residential district. There are no other specific design requirements for on-site lighting

SECTION 5.136 SIGNSSigns and similar identification devices may be erected and maintained in compliance with the following standards unless other standards are approved by the Tangent Planning Commission in conformance with the **Site Plan Review** procedures of **Section 2.400**.

(1) **DefinitionsSign:** Any writing (including letters, words or numerals); pictorial representation (including murals, illustrations or decorations); emblem (including devices, symbols or trademarks); flag (including banners or pennants); identification displays (including objects, inflatables or balloons); or any other device used to inform, attract attention or advertise that is visible from a public right-of-way.**Freestanding Signs:Ground level Signs:** Any ground level sign not over 6 feet high.**Elevated Signs:** Any sign supported above eight feet by any structure.**Building Signs: Wall Sign:** Any sign painted or attached to a building that projects less than 12 inches.**Window Sign:** Any sign outside or inside a window visible from a public road.**Projecting Signs:** Any sign attached to a building wall that projects more than 12 inches including awning signs.

Outdoor Advertising Sign includes billboards and as provided in ORS 377.705. **Outdoor advertising signs are prohibited in all zones.**

Off-premise Sign is a sign that is owned, maintained, managed or provided by an individual or group other than the owner, lessee, or renter

of the property upon which the sign is located subject to written permission of the property owner and approval by the Tangent Planning Commission.

(2) General Sign Provisions:

(a) Each sign or outdoor advertising display shall be located on the same property as the use it identifies or advertises unless approved as an Off-premise Sign by the Tangent Planning Commission.

(b) Signs may be illuminated by indirect or internal lighting. Lighting and signs shall not, by light, brilliance, type, design, or character, create a public or private nuisance or interfere with traffic or limit visibility, and shall not produce glare into residences. **The use of flashing or rotating lights is prohibited.** Reader Boards or moving electronic message signs require approval by the Planning Commission.

(c) No sign shall be constructed or erected that inhibits or impairs the Clear Vision Area specified in **Section 5.122 (6)** or other sight lines necessary for the safety of the traveling public.

(d) Sign materials and design elements should be complimentary to the materials used in development.

(e) Signs shall not Interfere with, imitate, or resemble any official traffic control sign, signal, or device, or attempt to direct the movement of traffic.

(f) Signs shall not be located on trees, or painted or drawn on a rocks or other natural features.

(g) Sign colors shall not be fluorescent or phosphorescent.

(h) All attached or freestanding signs shall be engineered and comply with the State of Oregon Structural Specialty and Life Safety Code and the adopted Electric Code for any electrically powered signs.

(i) Any freestanding or projecting sign may be double-faced.

(j) Freestanding signs shall not be located less than five (5) feet from the street right-of-way unless approved by the Planning Commission.

(k) All signs, together with their supporting structure shall be maintained in a safe, clean and attractive condition and shall be constructed of durable materials and provided with an engineered foundation or supports.

(l) Abandoned signs that no longer apply to the property shall be removed by the property owner within 90 days of disuse.

(3) **Permitted Signs**(a) Any on-site sign specifically identified as permitted herein.(b) Signs existing at the date of adoption of the sign ordinance provisions.(c) Flags of national, state or local government.(d) Temporary signs for the duration of the event 32 square feet in area or less. Off-premise temporary signs require permission is by the landowner.(e) Signs placed by local, state or federal agencies.(f) Public safety and convenience signs including parking and directional signs, open/closed and business hour signs, restroom and other locational signs 12 square feet in area or less.(g) Temporary seasonal signs and decorations subject to safety and nuisance standards.

(h) Construction Project signs 64 square feet in area or less per street frontage.

(i) Existing signs shall be considered non-conforming uses which may be maintained and repaired, but may not be replaced.

(4) **Permitted Residential Sign Standards**

(a) One name plate 4 square feet in area or less, placed flat against the building for each dwelling or Home Occupation as defined in **Section 6.110** of this ordinance. Signs may have indirect illumination.

(b) House or building numbers 6 inches or less in height.

(c) One non-illuminated temporary sign 12 square feet in area or less for the duration of the event.

(d) One Freestanding ground level or building wall identification sign per street frontage for Subdivisions, Apartment complexes or Manufactured Dwelling Parks 64 square feet or less in area per sign.

(e) One Temporary Freestanding Subdivision or Manufactured Home Park sales sign per street frontage 64 square feet in area or less for the duration of the event.

(5) Permitted Commercial & Industrial Sign Standards

(a) One primary Wall Surface or Window Surface Sign per street frontage per business.

(b) Miscellaneous Window Signs for product advertising is permitted.

(c) One Projecting Sign per street frontage not exceeding the roofline or 60 square feet in area per business. Projecting signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.

(d) One Freestanding Ground level sign per street entrance of a property not to exceed 6 feet in height or 80 square feet in area per sign.

(e) One Freestanding Elevated Sign per street frontage of a property not to exceed 30 feet in height or 100 square feet in area. Elevated signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas. (f) One Temporary per street frontage 32 square feet or less in area per sign for the duration of the event.

(6) Signs Requiring ApprovalThe following signs may be permitted subject to a Site Plan Review and approval by the Tangent Planning Commission in conformance with **Section 2.400**.(a) Any sign not specifically identified herein as a Permitted Sign or permitted signs exceeding the standards specified herein.(b) Rooftop signs.

(c) Moving electronic message signs.

(d) A banner which spans or is displayed over any roadway, highway, or street within the City limits.

(e) Any Off-Premise sign and any sign placed within a public right-of-way by other than a public agency.

(7) Application Information

Applications for signs requiring approval shall conform to **Sections 2.130 and 2.140** and **Section 2.400** of the **Tangent Land Development Ordinance** and shall include:

(a) A Site Plan showing the sign locations on site.

(b) Building elevations showing sign locations.

(c) Sign construction showing dimensions, area, height, and structure.

(d) Sign design showing lettering, logos, symbols, materials, colors, and method of illumination.

ARTICLE 6 USE STANDARDS

SECTION 6.010 USE STANDARDS

In addition to the Development Standards specified in **Article 5**, there are also uses that may occur in more than one district. The following Sections specify development standards applicable to specialized uses within the City of Tangent.

SECTION 6.110 HOME OCCUPATION STANDARDS

A home occupation is defined as any type of profession or occupation, full-time or part-time, that is carried on by any member of the immediate family residing on the premises, where such profession or occupation is subordinate to the primary use of the premises as a residence. Garage Sales are not considered a Home Occupation unless the frequency exceeds 6 sales per year. For Home Occupations in the Exclusive Farm Use Zoning District, the descriptions and provisions provided under **ORS 215.448** and **Section 4.141 (3)** of this Code shall apply.

A Home Occupation is a Conditional Use for any single-family home and must comply with the Conditional Use provisions of **Section 2.500** and the following additional standards:

- (1) The home occupation shall be secondary to the main use of the dwelling as a residence.
- (2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
- (3) The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25% of the living area of the dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area unless a greater area is approved by the Planning Commission.
- (4) 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.
- (5) No persons other than those residing within the dwelling shall be engaged in the home occupation.

(6) No window display or sample commodities displayed outside the dwelling shall be allowed.

(7) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.

(8) No parking of customer vehicles in a manner or frequency that would cause disturbance or inconvenience to nearby residents or that would necessitate the provision of additional off-street parking shall be allowed.

(9) No signs shall be permitted except for a single name plate not to exceed 4 square feet in area unless approved by the Planning Commission.

(10) No home occupation shall be allowed which requires an emissions permit from any local, state or federal agency.

(11) No more than one home occupation shall be carried on at any one time on one lot, regardless of the number of buildings on that lot.

SECTION 6.121 RESIDENTIAL CARE HOME STANDARDS

A Residential Care Home for 5 or less people and Group Child Care Homes for 12 or less children as provided in ORS 197.660 –670 is a Permitted Use in a dwelling located within any residential district with the following additional standards:(1) Outdoor areas shall be provided in accordance with State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.(2) The Care Home shall be readily accessible for people with disabilities and for fire or other emergency access.(3) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

SECTION 6.122 RESIDENTIAL CARE FACILITY STANDARDS

A Group Child Care Center for 13 or more children or a Care Facility for 15 or less people as provided in ORS 197.660 – 670 is a Permitted Use in the Multi-family Residential Districts, RM-10 & RM-6 and may be allowed in accordance with the Conditional Use provisions of **Section 2.500** In the RS-10 Single-family District provided water and municipal sewer service is available with the following additional standards:(1) Access shall be from a designated arterial or collector street.(2) Requirements for front, rear, side and street side yards, for Care Facilities shall comply with the District standards in which the facility is located. (3) Additional landscaping, privacy fencing, buffers or other screening devices may be required to screen or protect the facility or adjacent properties.(4) Outdoor areas shall be provided in accordance with

State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.(5) The Care Home shall be readily accessible for people with disabilities and for fire or other emergency access.(6) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

SECTION 6.130 MULTIPLE-FAMILY STANDARDS

Low density multiple-family housing is allowed in the RM-10 residential district and medium density multiple-family housing is allowed in the RM-6 residential district. Densities may be increased within the limits described in the Zoning District in accordance with the Conditional Use provisions of **Section 2.500** provided water and municipal sewer is available. The following additional standards shall apply:(1) Access shall be from a designated arterial or collector street.(2) Requirements for front, rear, side and street side yards, for Multiple-family developments shall comply with the District standards in which the facility is located unless additional standards are approved as part of the Conditional Use process.(3) On-site bicycle storage facilities, bicycle paths and pedestrian ways shall be provided for developments exceeding four dwelling units.(4) The City may require establishment of deed covenants, conditions and restrictions (CC&R's) or other conditions when deemed necessary for the mitigation of potential adverse impacts on a neighborhood or adjacent areas:(5) The City may regulate the type and style of multiple-family dwelling units to mitigate potential adverse impacts on a neighborhood or adjacent areas.(6) Additional landscape screening in conformance with **Section 5.134 (9)** may be required on the property boundary to mitigate potential adverse impacts on adjacent properties.

SECTION 6.140 MANUFACTURED DWELLING STANDARDS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918 specify the standards and regulations for Manufactured Dwelling (MD) use in the State of Oregon. The 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) defines the state standards and Section 6.110 provides additional supporting standards for all manufactured dwelling developments within the City of Tangent. The standards contained herein are intended to support suitable living environments for residents of manufactured dwellings and to increase compatibility with adjacent land uses.

SECTION 6.141 GENERAL PROVISIONS

(1) **Definitions.** The definitions of terms used are as defined in the 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) or Section 1.200 of this Code.

(2) **Relationship to Deed Restrictions.** Nothing in these provisions shall be interpreted as superseding more restrictive deed covenants, conditions or restrictions (CC&R's). The Standards contain herein are the "minimum

requirements" of the City. Applicant/Owners may specify more restrictive standards for their development as part of their CC&R's.

(3) **Manufactured Dwelling Construction & Safety Standards.** All manufactured dwellings must comply with the minimum construction standards in effect at the time of construction, and all associated rules, regulations, amendments and interpretations of both federal and state authorities. All manufactured dwellings placed in the City of Tangent must bear a U.S. Department of Housing and Urban Development, HUD, certification label or a State of Oregon Manufactured Dwelling Insignia of Compliance.

(4) **Building Permit.** The owner of a lot upon which a manufactured dwelling is to be installed shall, before installation, obtain a Manufactured Dwelling Building Installation Permit, and any other required permits, from the City. In applying for and obtaining said permit, the owner of a lot shall be deemed to have agreed to comply with Oregon State Standards and the terms of this Code. (5) **Inspection.** The manufactured dwelling shall be inspected by the Building Inspector, who shall determine that the manufactured dwelling complies with State standards for manufactured dwelling construction and siting, the standards set forth in this Code and, prior to approval of installation, require the owner of said manufactured dwelling to bring the manufactured dwelling up to the required standards by repair and improvement. No reconstruction or equipment installation shall have been made to the manufactured dwelling unless it has been state approved as evidenced by an appropriate State of Oregon insignia.(6) **Perimeter Enclosures & Support Systems.** All load bearing foundations, supports, and enclosures shall be installed in conformance with state regulations and with the manufacturer's installation specifications. There are two primary types of perimeter enclosures permitted:

(a) **Perimeter Skirting:** Skirting shall be constructed in accordance with the Oregon Manufactured Dwelling Standards. Permitted perimeter skirting materials are any material or system approved by the State of Oregon.

(b) **Perimeter Foundations:** shall be constructed in accordance with the International One and Two Family Dwelling Code in addition to the Oregon Manufactured Dwelling Standards. Permitted perimeter foundation materials are concrete, masonry, or other materials approved by the Building Official.

(7) **Accessory Structures.** All accessory structures must be constructed to the Oregon State One and Two Family Dwelling Code.

(8) **Removal.** If a manufactured dwelling is removed, the owner shall immediately disconnect and cap all sewer, water and utility services. The owner of the property shall, within (6) months of said removal, make application for and replace said manufactured dwelling with an approved manufactured dwelling, or remove the foundation and all protrusions above the slab or ground level. Should the property owner fail to comply, the city may contract for removal and disconnection, and collect the costs thereof from the property owner.(9) **Continued Use.** Any manufactured dwelling in place at the time of passing this Code and appropriately connected to a sewer and water system, but otherwise not conforming to the above requirements, may be maintained in the place of location. Any replacement of or addition to said manufactured dwelling shall comply with the requirements stated herein and The State of Oregon Installation Standards.

SECTION 6.142 CLASSIFICATION OF MANUFACTURED DWELLINGS

Manufactured Dwelling Classes. For purposes of these regulations, manufactured dwellings are divided into two classes, "A" and "B". The classes are segregated by the size of the manufactured dwelling. All manufactured dwellings placed within the City after the effective date of this Code must comply with the following placement standards.

- (1) **Class "A"** A Class "A" manufactured dwelling is one that complies with the following standards:
 - (a) A double-wide or multi-sectional unit ten (10) years old or newer bearing a U.S. Department of Housing and Urban Development, HUD, certification label in conformance with the Federal Manufactured Dwelling Construction and Safety Standards in effect on the date of manufacture. The unit shall be in excellent condition and free of structural, electrical, mechanical, or plumbing defects. Inspection and verification by the Building Official is required prior to placement.
 - (b) Contains more than one thousand (1,000) square feet of occupied space in a double-section or larger multi-section unit.
 - (c) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.
 - (d) Minimum roof pitch shall be 3 inch rise for each 12 inches of run with materials commonly used for site-built houses such as composition, wood or tile shingles.

(e) Exterior materials shall be similar to those used on site-built houses.

(f) Placement: Class "A" manufactured dwellings are permitted on all individual lots in all Residential Districts and in all approved manufactured dwelling parks. Class "A" manufactured dwellings are also permitted for approved temporary uses specified in **Section 6.143**

(2) **Class "B"** A Class "B" manufactured dwelling is one that complies with the following standards:

(a) A single-section unit ten (10) years old or newer bearing a U.S. Department of Housing and Urban Development, HUD, certification label in conformance with the Federal Manufactured Dwelling Construction and Safety Standards in effect on the date of manufacture. The unit shall be in excellent condition and free of structural, electrical, mechanical, or plumbing defects. Inspection and verification by the Building Official required prior to placement.

(b) Contains more than five hundred (500) square feet of occupied space in a single or expando unit.

(c) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.

(d) Exterior materials shall be similar to those used on site-built houses.

(e) Placement: Class "B" manufactured dwellings are permitted in all manufactured dwelling parks and approved temporary uses specified in **Section 6.144**. Class "B" manufactured dwellings may also be permitted by Conditional Use on individual lots as specified in **Section 6.143**.

SECTION 6.143 PLACEMENT ON INDIVIDUAL LOTS

(1) Class "A" Manufactured Dwellings are permitted on individual parcels outside of Manufactured Dwelling Parks in the City's Residential Districts, RS-10, RM-10 and RM-6 in accordance with the standards of this Section

and all other provisions of the Tangent Land Development Code for conventional built dwellings placed within a Residential District.

(a) All manufactured dwellings placed outside of manufactured dwelling parks shall be set onto an excavated area with a perimeter foundation of concrete or masonry.

(b) All manufactured dwellings placed on individual lots or parcels outside of manufactured dwelling parks shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required for single-family dwellings constructed under the state building code as defined in **ORS 455.010**.

(2) Conditional Use approval is required for placement of a Class "B" manufactured dwelling on an individual lot. In order to be approved, the unit must be found to have design compatibility with other dwellings within 500 feet of the subject lot or parcel. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

(a) Roofing materials shall be similar in appearance to site-built housing in the vicinity. The roof pitch shall be a minimum roof pitch of 2/12.

(b) The perimeter foundation and siding materials shall be similar in appearance or complementary to other dwellings in the vicinity.

(c) The placement of the manufactured dwelling and accessory structures upon the lot shall be consistent with other dwellings in the review area in terms of setback dimensions, angle to the street, location of garage or carport, and any other special features of the neighborhood or vicinity.

(d) The location and design of porches, patios, driveways, walkways, and landscaping shall be similar to and complementary to the features of other dwellings in the vicinity.

SECTION 6.144 TEMPORARY MANUFACTURED DWELLING USE

(1) **Application:** Applicants for a temporary use permit shall make written application for review and approval on the City's Application Form. The City Administrator may grant approval for a Temporary Manufactured Dwelling use subject to the Decision Criteria of **Section 2.400**. The Applicant shall provide a statement of intended use and the estimated length of time for the temporary use on the application form and shall submit the site plan information specified in **Section 2.140**.

(2) **Approved Uses:** A temporary Manufactured dwelling use may be granted for the following uses:

(a) A manufactured dwelling as a temporary accessory dwelling to a residence for designated members of the immediate family to alleviate a financial or personal care hardship situation, or for a non-family member providing personal care to members of the family. Either the property owner, the family member or personal care provider may occupy the hardship dwelling.

(b) Temporary on-site residence for owners whose dwelling is under construction or a dwelling that has been destroyed.

(c) Caretaker residence for a commercial or industrial facility.

(d) Temporary offices accessible to the general public for use during construction or remodeling.

(e) Temporary building space for public and semi-public agencies.

(f) Other temporary uses may be considered by the Planning Commission under the Conditional Use procedures specified in **Section 2.500**.

(3) **Conditions of Use:** The Temporary Use Permit may be limited to a specified time period and shall be a Class "A" or "B" Manufactured Dwelling for use on a single lot in accordance with the following provisions:

(a) Compliance with the State of Oregon Manufactured Dwelling Installation Standards.

(b) Manufactured dwellings shall not be included or sold as a part of any property on which it is located.

- (c) Manufactured dwellings shall not be expanded or attached to a permanent structure.
- (d) Manufactured dwellings shall have an approved perimeter enclosure permitted by the State of Oregon.
- (e) Manufactured dwellings shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral.
- (f) Use shall be limited to the function as set forth in the application for the temporary permit.
- (g) The manufactured dwelling shall comply with residential setback requirements and shall be sited so as to have the least possible impact on adjacent properties or adjoining streets.
- (h) The temporary use shall be subject to a Periodic Review by the City.
- (i) The manufactured dwelling and all accessory elements shall be removed within 60 days of non-occupancy by the designated users identified in the Application.

(4) **Renewal:** The permit as issued shall not exceed the designated approval period. The City shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of a temporary use permit shall reapply and submit the same information as required for the original permit.

(5) **Right of Revocation:** The City shall have the right to revoke any Temporary Use Permit granted under this section with thirty (30) days notice, if upon inspection, the use is found to be in noncompliance with the application for which the permit is issued.

(6) **Removal:** If the Temporary Manufactured Dwelling is required to be removed from the site, the owner of the property shall remove the foundation and all additions to the Temporary Manufactured Dwelling and permanently disconnect and secure all utilities. The City may perform the work and place a lien against the property for the cost, after 60 days from the date on which the Temporary Manufactured Dwelling is required to be moved from the site. This condition shall not apply in the event that another approved Temporary Manufactured Dwelling is placed on the original foundation within 60 days of the removal of the original unit.

SECTION 6.150 MANUFACTURED DWELLING PARKS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918, and Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code (OMDS) specify the standards and regulations for Manufactured Dwelling Parks in the State of Oregon. **Section 6.150** contains additional supporting standards for all Manufactured Dwelling Parks located within the City of Tangent as permitted in Chapter 10 of the OMDS. In cases of conflict, the state standards of Chapter 10 shall govern.

(1) **Where Permitted:** Class "A" or "B" Manufactured Dwellings are permitted in all Manufactured Dwelling Parks. Manufactured dwelling parks are permitted in the City's RM-6 Residential District in accordance with the standards of **Section 6.150 through 6.152** and the provisions for Conditional Use approval contained in **Sections 2.500.**(2) **Minimum Site Area:** An area that provides space for four or more manufactured dwellings together with all conditions and standards required by Chapter 10 of the OMDS and the standards contained in **Section 6.151.**

(3) **Density:** Maximum density of the park shall not exceed 7 units per net acre of Manufactured Dwelling space.

(4) **Access:** Manufactured Dwelling Park access shall occur from a public Collector or Arterial street.(5) **Permitted Uses:** Manufactured Dwelling Parks may contain manufactured dwellings and accessory structures, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the park.(6) **Conditions:** Upon granting site plan approval for a manufactured dwelling park, the Planning Commission may require establishment of deed covenants, conditions and restrictions (CC&R's) or other conditions including but not limited to any of the following where such are deemed necessary for the mitigation of

adverse impacts on an adjacent area:(a) Limit the type of units to be installed to Class "A" or Class "B" or both.(b) Additional landscaping or screening on the park boundary.(c) Increased setbacks from park boundaries.

SECTION 6.151 IMPROVEMENT STANDARDSPark standards shall conform to The **Oregon Manufactured Dwelling and Park Specialty Code (OMDS)** within the Park boundary and shall conform to City Standards when abutting public streets.

(1) **Streets:** Public streets located within the Park and the first 100 feet of Park streets connecting to a public street shall conform to City standards.(2) **Perimeter Setbacks:** Distance of a manufactured home or accessory structure from an exterior park boundary or public right of way shall be 20 feet.

(3) **Landscaping:** All common areas within a manufactured dwelling park; exclusive of required buffer areas, buildings, and roadways; shall be landscaped and maintained in accordance with the following minimum standards per each 2,000 square feet of open area:

(a) One tree at least six feet in height.

(b) ten shrubs or accent plants.

(c) The remaining area containing walkways and attractive ground cover at least 50% of which must be living ground cover within one year of planting.

(d) All manufactured dwelling spaces shall be similarly landscaped within six months of manufactured dwelling placement. Such landscaping shall be the responsibility of the park owner.

(4) **Perimeter Property Screening:** The entire perimeter of the Manufactured dwelling park shall be screened except for driveways and the Clear Vision Area. The following minimum standards shall apply:

(a) One row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least six feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within two years of planting, or

(b) A minimum of a five-foot wood fence or masonry wall shall be constructed, providing a uniform sight obscuring screen, or

(c) An earth berm combined with evergreen plantings or wood fence or masonry wall shall be provided which shall form a sight and noise buffer at least six feet in height.

(d) At least 5 five-gallon shrubs or 10 one-gallon shrubs for each remaining 1,000 square feet of required buffer area; and

(e) The remaining area treated with attractive, living ground cover (i.e., lawn, ivy, evergreen shrubs, etc.).

(5) **Utilities:** All manufactured dwelling parks shall provide each lot or space with storm drainage, municipal sanitary sewer, water, electric and communication cables, including telephone and television cables. All utilities shall be located underground and there shall be no exposed radio or TV antenna. Easements shall be dedicated where necessary to provide service to all utilities. Utilities shall be connected in accordance with state requirements and the manufacturer's specifications.

SECTION 6.152 DESIGN AND SUBMISSION REQUIREMENTS

(1) **Professional Design Team:** The applicant for a proposed Manufactured Dwelling Park shall certify in writing that the services of a registered architect, landscape architect or registered engineer licensed by the State of Oregon have been utilized in the design and development of the project.

(2) **Site Plans Required:** The Conditional Use Application for a new or expansion of an existing MD Park shall be accompanied by 10 copies of the site plan of the proposed park containing the following information in addition to that required in **Section 2.140** for Application Site Plans. The plot plan shall show the general layout of the entire Park and shall be drawn to a scale not smaller than one inch representing 40 feet. The drawing shall include all of the following information:

(a) Name and type of Park, address, owner, Design Team members, scale, date and north point of plan.

(b) A vicinity plan showing streets and properties within 500 feet of the development site.

(c) Plot plan of park boundaries and the location, dimensions and number of MD spaces. Number each space and demonstrate that planned spaces can reasonably accommodate the proposed MD types.

- (d) Location and dimensions of existing and proposed structures, together with the usage and approximate location of all entrances, heights, and gross floor areas. Heights shall not exceed the maximums specified for the zoning District.
- (e) Location and dimensions of roads, accessways, parking, loading facilities, garbage receptacles and walkways.
- (f) Extent, location, arrangement, and proposed improvements of all open space, landscaping, fences and walls.
- (g) Location of lighting fixtures for park spaces and grounds.
- (h) Location and area of recreation spaces and buildings in square feet.
- (i) Locations where park water, sewer, drainage and utility systems connect to City systems including easement locations.
- (j) Location of existing and proposed fire and irrigation hydrants.
- (k) Enlarged plot plan of a typical MD space, showing location of the stand, patio, storage space, accessory structures, parking, sidewalk, utility connections, and landscaping.
- (l) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- (m) A construction time schedule and development phasing plan.
- (n) Detailed plans required. Prior to application for a building permit to construct an approved Park or to expand an existing Park, the applicant shall submit five copies of the following detailed plans:
1. A legal survey.
 2. Plans of new structures.

3. Water, sewer and utility systems.
4. Utility easements.
5. Road, sidewalk, and patio construction.
6. Drainage system, including existing and proposed finished grades.
7. Recreational improvements including swimming pool plans approved by the Oregon State Board of Health.
8. Landscaping and irrigation plans.

SECTION 6.210 COMMERCIAL USE STANDARDS

The Code recognizes that commercial use patterns can vary depending upon the type and location of these facilities. The following conditions and standards shall apply in addition to the standards for Commercial Zones specified in **Section 4.121 & 4.122**.

SECTION 6.211 RESIDENTIAL / COMMERCIAL STRUCTURES

(1) **Existing Houses:** In commercial districts pre-existing residential structures may be occupied by commercial uses permitted in the commercial district provided the structure meets minimum building and safety standards as provided in the Building Code and provided further that the City approves a development plan for vehicular access and parking, signing, and exterior lighting in accordance with the **Site Plan Review** provisions of **Section 2.400**.

(2) **Residences:** A single-family residence for the owner of a commercial business may be permitted in the CC District in accordance with Site Plan Review provisions of **Section 2.400** and the standards contained herein.

(a) On-site Parking shall be provided for both the commercial and residential uses in accordance with **Section 5.121**.

(b) Residences shall be located at rear of the commercial business unless an alternative is approved by the Planning Commission as a Variance. Residential yard setbacks and

open space is required for ground floor residences in conformance with the RS-10 Zoning District.

(3) **Second Story Residences:** Single-family or Multi-family housing may be permitted above a commercial business in the CC District in accordance with the **Conditional Use** provisions of **Section 2.500** and the standards contained herein.

(a) On-site Parking shall be provided for both the commercial and residential uses in accordance with **Section 5.121**.

(b) There are no yard setbacks or open space required for second story residences.

SECTION 6.212 STREET FRONTAGE COMMERCIAL

Street frontage commercial facilities are recommended for locations adjacent to Principal Arterial or Collector streets in the **Community Commercial Zoning District - CC** where street side pedestrian sidewalks and bikeway access is available and may be approved as part of the **Site Plan Review** procedures of **Section 2.400** or as a **Conditional Use** in conformance with **Section 2.500** under the following conditions:

(1) Any permitted **Community Commercial** use allowed in **Section 4.121** may be approved as a Street Frontage Commercial facility. A residence for the store owner is also permitted in conformance with **Section 6.211 (2) or (3)**.

(2) A minimum 12 foot wide street side sidewalk with planter openings, street trees, bicycle parking and benches shall be provided.

(3) Off-street parking for the specified use shall comply with **Section 5.121**.

(4) On-site commercial parking shall not be located in the front yard but may be provided at the side or rear of the property.

(5) A front yard setback of 12 feet is permitted. Other setbacks shall be the same as the Commercial Zone with Screening provided adjacent to abutting residences in conformance with **Section 5.134 (9)**.

SECTION 6.213 PARKING FRONTAGE COMMERCIAL OR INDUSTRIAL

Highway Commercial or Industrial facilities are intended for locations adjacent to Principal Arterial and Collector streets in the **Community Commercial Zoning District - CC, Highway Commercial/Industrial Zoning District - HC/I** and the **General**

Industrial Zoning District – GI where front yard vehicle parking is desired. Street Frontage Parking may be approved as part of the **Site Plan Review** procedures of **Section 2.400** or as a **Conditional Use** in conformance with **Section 2.500** under the following conditions:

(1) Any permitted commercial use allowed in **Sections 4.121 or 4.122** and industrial uses allowed in **Section 4.132** may be approved as a Parking Frontage facility.

(2) Off-street parking for the specified use shall comply with **Section 5.121**.

(3) A minimum 12 foot wide landscaped buffer shall be provided between the street sidewalk and the front area parking lot. A minimum 12 foot wide entry sidewalks shall be provided at the front of all commercial buildings and include planter openings, street trees, bicycle parking and benches.

SECTION 6.214 REGIONAL COMMERCIAL

Regional Commercial Centers located in the **Highway Commercial/Industrial Zoning District - HC/I** are intended for locations near Highway Interchanges where access is from a Primary Arterial Street and may be approved as part of the **Site Plan Review** procedures of **Section 2.400** or as a **Conditional Use** in conformance with **Section 2.500** when the use is an identified conditional use under the following conditions:

(1) Any permitted commercial use allowed in **Section 4.122** may be approved as a Regional Commercial facility.

(2) Off-street parking for the specified use shall comply with **Section 5.121**.

(3) A minimum 12 foot wide landscaped buffer shall be provided between the street sidewalk and the front area parking lot. A minimum 12 foot wide entry sidewalk at the front of the building with planter openings, street trees, bicycle parking and benches shall be provided.

(4) Access shall be from a designated Primary Arterial Street.

(5) A traffic impact analysis shall be provided for review by the City.

SECTION 6.310 PUBLIC & SEMI-PUBLIC STANDARDS

Public and Semi-public uses represent a wide range of "Civic" use types that include utilities, public safety, maintenance, governmental, recreational, educational, cultural,

religious, and civic assembly uses or facilities. Public and semi-public uses shall comply with the following additional standards in addition to the standards of the land use district in which the public use is located:

(1) Public and Semi-public uses in residential districts may be permitted in accordance with the **Conditional Use** provisions of **Section 2.500** and the standards contained herein.

(2) Public and Semi-public uses in commercial or industrial districts may be permitted in accordance with the **Site Plan Review** provisions of **Section 2.400** and the standards contained herein.

(3) Requirements for front, rear, side and street side yards, for public uses shall not be less than that specified for the Primary or Overlay District unless specifically approved as part of the conditional use or site plan review procedures. Yard setbacks may be increased to provide additional safeguards to protect adjoining properties, drainageways or the street.

(4) Additional landscaping, fencing, buffers or other screening devices may be required to screen or protect adjacent properties, drainageways or the street.

(5) Off-street parking for the specified use shall comply with **Section 5.121**.

(6) In a residential district, all equipment and material storage shall be within an enclosed building unless it is deemed necessary and approvable in accordance with the **Conditional Use** provisions of **Section 2.500**.(7) Exterior lighting shall be directed away from abutting residential properties.(8) Offices and workshops should be located in the commercial or industrial districts whenever possible and should not be permitted in a residential district unless it is deemed necessary and approvable in accordance with the **Conditional Use** provisions of **Section 2.500**.(9) Public utility facilities including treatment, maintenance and storage areas should be located in the industrial district whenever possible and should not be permitted in a residential or commercial district unless it is deemed necessary and approvable in accordance with the **Conditional Use** or **Site Plan Review** provisions of **Section 2.500** or **Section 2.400**.(10) The minimum lot size requirement of a primary zone may be waived on finding that the waiver will not result in noise or other detrimental impacts to adjacent or nearby property.

SECTION 6.410 URBAN AGRICULTURAL USE STANDARDS

Except for the EFU Zoning District, agricultural use of other property in the City is permitted under the following conditions and standards:

(1) Agricultural uses existing at the time of annexation to the City may continue but may not be expanded except in conformance with the standards contained herein.

(2) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption or sale is allowed on any lot within the city.(3) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for sale as a business from an on-site structure is a Home Occupation Conditional Use in all residential districts and is an interim Permitted Use in the Industrial District.(4) The raising of farm animals in the general field of animal husbandry including fowl, rabbits, sheep, goats, pigs, cows, horses, llamas and similar domesticated animals for on-site home consumption or use, sale or trade and sale or trade of animal products is permitted in the Industrial or Commercial Districts and may be permitted within the Residential as a **Conditional Use** in accordance with **Section 2.500** under the following conditions:(a) Fencing must be designed and constructed to confine all animals within the property line.(b) A Setback of 200 feet from any off-site residence is required for all fenced animals or buildings housing farm animals.(c) It is the responsibility of the property owner to maintain proper health and sanitation standards and to assure that nuisance factors such as noise, smell and unsightly conditions are mitigated. Proper sanitation includes:1. Not allowing animal waste to accumulate.2. Not allowing animal waste to contaminate groundwater or drainageways.3. Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line.4. Storing all farm animal food in metal or other rodent proof containers.(5) It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times.(6) The raising of farm animals shall not be part of nor conducted in conjunction with any live stock sales yard, slaughter house, or animal by-product business.(7) The above standards are the minimum standards applicable to property located within the City of Tangent, additional site area or other standards may be required to comply with Health and Sanitation Standards.

SECTION 6.510 HISTORIC PRESERVATION

Statewide Planning Goal 5 defines Historic Areas as lands with sites, structures and objects that have local, regional, statewide or national historical significance. Goal 5 also specifies that the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 and the recommendation of the State Advisory Committee on Historic Preservation should be utilized in designating historic resources. OAR 660-23-200 provides specific rules for compliance with Goal 5, Historic Resources.

A Statewide Comprehensive Historic Preservation Plan is authorized by ORS Chapter 358, administered by the State Department of Parks and Recreation as the State Historic Preservation Program. Local governments should encourage the preservation, management, and enhancement of structures, resources, and objects of historic significance in conformance with, but not limited by, the provisions of ORS 358.

SECTION 6.511 TANGENT HISTORIC RESOURCE INVENTORY

A City of Tangent Historic Structures Inventory was prepared for the City of Tangent by the Linn County Planning & Building Department in 1983 in conformance with the Goals, Policies and Cultural Resources identified in the Tangent Comprehensive Plan.

(1) **Purpose.** The designation of historic resources allows the City to formally recognize and protect its historic heritage.

(a) The Tangent Planning Commission is recognized by the City as the committee for historic review and recommendation. The Planning Commission shall review all :

1. Requests for designation or removal of a listed Historic Structure or designation of a Historic Resource.
2. Requests for alteration, demolition and moving of a historic resource or proposed new construction within a designated Historic Area.

SECTION 6.512 HISTORIC RESOURCE DESIGNATION

The designation of a Historic Structure or District supplements the regulations of the Primary Land Use District and can apply to any historic resource contained on the City's adopted Historic Inventory.

(1) The City or a property owner may apply for designation of a Historic Structure or District in combination with any Primary District in accordance with the application requirements of **Sections 2.130 and 2.140** and the **Conditional Use** procedures of **Section 2.500** and the requirements of this Section.

(2) Applications shall first be submitted to the City in accordance with **Sections 2.130 and 2.140** together with the following additional information:

(a) A description and map of the location of the proposed Historic Structure or District or the proposed historic resource to be evaluated.

(b) A statement of the reasons why the proposed district or resource is appropriate for designation as a Historic Resource.

(c) A statement of the potential impact, if any, that a historic resource designation would have on the property owners or surrounding property owners of the proposed historic resource.

(d) A statement by the property owner agreeing to the Historic Resource designation.

(3) Submitted applications shall be reviewed by the City Administrator for completeness and forwarded to the Tangent Planning Commission for a public hearing in conformance with the **Conditional Use** procedures of **Section 2.500** and the requirements of this Section and the hearing procedures of **Section 3.510**.

(4) The City Administrator shall provide the property owner and applicant with information regarding the benefits and obligations of a Historic Structure or District designation at the time of application.

(5) **Decision Criteria.** Approval shall be based upon compliance with the submittal requirements and the following considerations:

(a) Property owner agreement.

(b) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.

(c) There is an association with an event that has made a significant contribution to the city, county, state or nation.

(d) There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation.

(e) The resource embodies distinguishing characteristics of design, style, construction, craftsmanship or materials.

- (f) The resource retains its original design features, materials and/or character;
- (g) The resource is unique, the only remaining or one of a few resources of a particular kind.
- (h) It is a visual community landmark.
- (i) The site contains, or may yield, historic, prehistoric or archaeological information.
- (j) Existing land uses surrounding the resource contribute to the integrity of the historic period represented.
- (k) The resource contributes to the continuity or historic character of the street, neighborhood, and/or the community.
- (l) The property is 50 years old or older.
- (m) The proposed landmark or district complies with the National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.
- (n) The proposed landmark or district is listed in the State Historic Preservation Program or is on the National Register of Historic Places.

(6) Conditions of Approval.

- (a) The City may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource.
- (b) The City shall allow property owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the Historic Resource designation and shall not add a site on a list of historic resources if the owner of the property objects to its designation.

SECTION 6.513 EXTERIOR ALTERATIONS & NEW CONSTRUCTION

Alterations or additions to historic resources should preserve the characteristics that determined its inclusion in the City's Historic Inventory.

(1) A property owner of a Historic Resource may apply for alterations or new construction in accordance with the application requirements of **Sections 2.130 and 2.140** together with the following additional information:

(a) A description and plan of the proposed alteration or new construction for the historic resource to be evaluated.

(b) A statement of the reasons why the proposed alterations or new construction is needed and appropriate for the historic resource.

(c) A statement of the potential impact, if any, on the historic character of the resource or surrounding properties.

(2) Submitted applications shall be reviewed by the Planning Commission in conformance with the **Site Plan Review** procedures of **Section 2.400**. **The Tangent Planning Commission may call for a public hearing in conformance with the hearing procedures of Section 3.510 if it determines that additional public input is desirable.**

(3) Nothing in this Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this Section that does not involve a change in design, material, or external appearance thereof. Nor does this Ordinance prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.

(4) The owner of a designated historic resource shall keep such resource in good repair.

City approval is not required for repair, maintenance, or replacement with comparable features or materials, or a change in paint color.

(5) Alterations and new construction shall be based upon compliance with the Conditions of Approval for the designation of the Historic Resource and the following considerations that include the Secretary of the Interior Standards for Historic Rehabilitation:

(a) A property should be used for its historic purpose or a new use that requires minimal change to the defining characteristics of the building, its site and the neighborhood environment.

(b) The historic character of a property should be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property should be avoided.

(c) Each historic property is recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings or times, should not be undertaken.

(d) Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.

(e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.

(f) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historic material should not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. Wherever possible, new additions or alterations to any structures should be done in such a manner that, if such additions or alterations were to be removed in the future,

the essential form and integrity of the structure would be unimpaired.

(j) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(6) Conditions of Approval.

(a) The Planning Commission may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource. Non compliance may result in removal of the Historic Resource from the City's the City's Historic Inventory and removal of any benefits that apply to that designation.

(b) The City may delay action for at least 120 days on a request for alterations or new construction to a historic resource if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to seek more adequate preservation of the historic resource.

SECTION 6.514 MOVING, DEMOLITION & REMOVAL

It is the City's intent that all designated historic resources be preserved and maintained. However, it is recognized that it may become necessary to remove or replace the Historic Resource due to changing circumstances. The procedure for moving, demolition and removal of a Historic Resource from the City's Historic Inventory is essentially the same as that for designating an Historic Resource.

(1) A property owner of an Historic Resource may apply for moving, demolition or removal of a Historic Resource from the City's Historic Inventory in accordance with the application requirements of **Sections 2.130 and 2.140** and the **Site Plan Review** procedures of **Section 2.400**. **The Tagent Planning Commission may call for a public hearing in conformance with the hearing procedures of Section 3.510 if it determines that additional public input is desirable.**

(2) Applications for moving, demolition or removal of a Historic Resource from the City's Historic Inventory shall include the following information:

(a) A description and map of the Historic Resource to be relocated, demolished or removal from the Historic Inventory.

(b) A statement of the reasons why the resource cannot be maintained and needs to be moved or demolished or why the Historic Resource needs to be relocated or removed from the Historic Inventory.

(c) A statement of the potential impact, if any, that moving, demolition or removal of a Historic Resource from the City's Historic Inventory would have on the City, the public welfare and surrounding property owners considering the significance of the resource and the economic, cultural, and energy consequences of demolition.

(3) Approval shall be based upon compliance with the following considerations:

(a) The resource is of such significance that moving, demolition or removal of the resource would be detrimental to the public interest.

(b) Submitted evidence that every effort has been made to maintain the historic resource at its present location and no other reasonable alternative exists.

(c) If the resource is proposed to be moved, the new site is compatible with the resource

(d) The resource is no longer considered significant to the community.

(e) The historic resource is no longer compatible with the existing area.

(f) Alterations to the resource have removed the distinguishing features that were the reason for the historic resource designation.

(g) The historic resource has been damaged in excess of 70% of its previous value.

(h) The historic resource cannot be economically rehabilitated on the existing site.

(i) There would be unnecessary and substantial hardship on the owner if the requested action was denied or the conditions of approval were excessive.

(j) There is a demonstrated need for the historic resource site that outweighs the public benefit from preserving the resource at the existing site and the proposed redevelopment is compatible with the surrounding area.

(4) Conditions of Approval.

(a) The City may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource and for the moving the Historic Resource. Non compliance or demolition may result in removal of the Historic Resource from the City's Historic Inventory and removal of any benefits that apply to that designation.

(b) The City may delay action for at least 120 days on a request for moving, demolition or removal of the resource from the Historic Inventory if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to preserve the Historic Resource.

ARTICLE 7 PUBLIC IMPROVEMENT REQUIREMENTS

SECTION 7.100 IMPROVEMENT PROCEDURES

Development in conformance with **Section 4.141** for EFU lands and subdivision or partitioning of EFU lands are exempt from the off-site improvement requirements of this Code.

All other developments requiring public improvements or connections to public facilities and all land divisions shall conform to the requirements of this Code and all design standards and construction specifications of the City, and shall be installed in accordance with the following procedure. As used in this section, the terms developer and land divider includes the property owner. In the event that the person making application for a land division or development are not the owner of record, a signed and notarized authorization must be provided by the owner, authorizing the applicant to act in his behalf.

(1) Improvement work shall not be commenced until plans and specifications have been reviewed and approved by the City. To the extent necessary for evaluation of an Application, the plans may be required before approval of a Site Plan or Land Division Tentative Plan.

(2) All required improvements shall be provided and approved by the City prior to approval of the final Plat or the owner may propose an agreement in conformance with **Section 7.510** and a form of Security in conformance with **Section 7.520** subject to acceptance by the City.

(3) A Pre-construction Conference in conformance with the **Tangent Public Works Design Standards, TPWDS 1.12** shall be scheduled before issuance of a public utility permit. The Developer shall be responsible for notification to all public and private utility providers.

(4) Improvement work shall not commence until after the City is notified, and if work is discontinued for more than 7 working days, for any reason, it shall not be resumed until after the City is notified.

(5) Improvements shall be constructed under the inspection of the City. The City may require changes in the design and construction in the public interest, or if unusual conditions arise during construction to warrant a change. The cost of City inspections shall be paid by the developer or land divider.

(6) Underground utilities, water lines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing, or resurfacing, of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be located to prevent the necessity for disturbing the street improvements when service connections are made.

(7) "As-built" drawings and specifications of the installed public improvements shall be filed with the City upon completion of the improvements.

(8) In the event the City determines it is not currently necessary to provide some of the required improvements, the City may authorize an agreement to pay for future improvements in the form of a Waiver of Remonstrance and an Agreement to pay a fair share of the required improvements when they are provided, or the improvements may be installed in the area under special assessment financing or other facility extension policies of the City. CC&R,s shall be attached to the deed of each property specifying this commitment as an obligation of the property owner.

SECTION 7.200 SPECIFICATIONS FOR IMPROVEMENTS

Tangent Public Works Design Standards have been adopted by the City of Tangent although they may not address each situation. The developer or land divider shall prepare and submit to the City for review and approval, plans and specifications in compliance with this Code and other applicable City ordinances. Where specific City standards are lacking, the plans and specifications shall comply with the intent of this Code based upon

engineering standards appropriate for the improvements proposed. Specifications shall be prepared for the design and construction of all required public improvements and such other public facilities the developer installs.

SECTION 7.300 REQUIRED PUBLIC IMPROVEMENTS

The following improvements shall be installed to serve each building site and each property in a subdivision or partition at the expense of the developer or land divider. However, if the Planning Commission finds that conditions make installation of some improvements unnecessary at the time of development or land division of the property, the Planning Commission may defer those improvements by requesting a Waiver of Remonstrance and deed CC&R agreement to pay for future improvements benefiting the property. In lieu of deferring an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

- (1) **Streets:** Public or private streets, adjacent to, or within the development or land division shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected.
- (2) **Railroad Crossings:** Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.
- (3) **Street Name Signs:** Street name signs shall be installed at all street intersections to City standards.
- (4) **Street Lights:** Street lights shall be installed to City standards and shall be served from an underground utility.
- (5) **Traffic Signals:** Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, the signals shall be provided by the developer or land divider and the costs shall be born by the developer or land divider unless an equitable means of cost distribution is approved by the City.
- (6) **Mail Boxes:** Joint mail boxes may be provided in residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as directed by the Post Office and shall be noted on the Site Plan. The cost shall be borne by the developer or land divider.
- (7) **Surface Drainage & Storm Sewer System:** Drainage facilities shall be provided within the development or land division and connected to

drainage ways or storm sewers outside the land division. Design of drainage within a development area shall accommodate the capacity and grade necessary to maintain unrestricted flow from areas draining through the property and shall accommodate extension of the drainage system beyond the property.

(a) It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owner.

(b) Upstream flows shall be accommodated and downstream flows must limit impacts on downstream properties. There shall be no increased storm water impacts from the proposed development on the City's drainage system.

(c) Site drainage design shall limit off-site impacts to those that would occur from vacant land. Roof drains, paving and catch basin out-flows shall require detention facilities and/or other discharge controls. All storm drains shall be connected to the detention pond inlet piping. This system must be engineered by the Applicant utilizing the standards specified in **Section 3.10** of the **Tangent Public Works Design Standards**.(d) All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to issuance of a Building Permit.

(e) A Wetlands Delineation and Mitigation Plan shall be required for identified wetlands and shall be provided by the Applicant prior to building permit approval. Refer to the **Tangent Local Wetlands & Riparian Area Inventory** and **Section 5.118** for Wetland Regulations and Development Standards.

1. No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and any other regulatory agency having jurisdiction.

(8) **Sanitary Sewers:** Sanitary sewers shall be installed to serve the development or land division and to connect the properties to existing mains. Connection to City mains may entail installation of pump stations

and larger mains to serve the proposed development at the developer's or land divider's expense. System design shall provide increased size and grades to accommodate extension of the system beyond the property or land division. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the following arrangements may be made to equitably distribute the cost:

(a) If the area outside the property to be directly served by the sewer line has reached a state of development to justify sewer installation at the same time as the proposed development or land division, the Planning Commission may recommend to the City Council that all of the construction occur as a single assessment project. A specific agreement shall be made with the developer or land divider to assure financing of their share of construction costs. If the developer or land divider does not agree to a joint assessment project, the sanitary sewer for the proposed development or land division shall be installed by the developer at the developer's or land divider's expense.

(b) In the event it is impractical to connect the development or land division to the City sewer system, the City may authorize the use of on-site wastewater systems if the property area and soil characteristics are adequate. An agreement to pay for future improvements and connections shall be provided in the form of CC&R's attached to the deed of each property.

(9) **Water System:** Individual or community water systems are required to serve each building site.

(10) **Sidewalks:** Sidewalks are required on both sides of a public street and in any pedestrian way extending through a development or land division, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a development or land division without sidewalks if alternative pedestrian routes are available.

(11) **Bicycle routes:** Consistent with the **TTSP Policies** to provide extension of existing or planned bicycle routes, the Planning Commission may require the installation of separate bicycle lanes within proposed developments. Bicycle routes may be located on proposed internal streets or abutting streets, or may be located on separate bicycle paths that extend through the development.

(12) **Utilities:** The developer shall make necessary arrangements with serving utility companies for the installation of underground lines and facilities.

SECTION 7.400 PUBLIC USE DEDICATIONS

(1) Within or adjacent to a residential subdivision, a parcel of land of not less than 10 percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider for park or open space use to serve the residents of the proposed development. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and open space uses. In the event no such area is suitable for park and open space purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition and park development fund a sum of money equal to 10 percent of the Real Market Value of the property for the proposed use. The sums so contributed shall be used to aid in securing suitable areas for park and open space purposes or to develop existing nearby parks to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 per cent of the tract to be subdivided is being dedicated to the public for streets and other public purposes, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 per cent.

(2) If the City or other public agency indicates it desires to acquire a portion of a proposed land division for a public purpose not already dedicated as a condition of approval, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of a land division be reserved for public acquisition

SECTION 7.510 IMPROVEMENTS AGREEMENT

Before City approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider.

(1) Repair of existing streets and other public facilities damaged during the specified construction shall be a part of any Improvement Agreement.

(2) The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with **Section 7.100 (3)**.

SECTION 7.520 SECURITY

- (1) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, a form of financial security acceptable to the City Attorney.
- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.
- (3) The security shall only be released upon authorization of the City Administrator.
- (4) The performance guarantee and security shall remain in effect for one year after the improvements have been installed to correct any defects that may have occurred.

SECTION 7.600 NONCOMPLIANCE PROVISIONS

- (1) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall make substantial efforts to comply with the agreement.
- (2) If the developer or land divider or the surety does not make substantial efforts to comply within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:
 - (a) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.
 - (b) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.
 - (c) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.
 - (d) Void all approvals granted in reliance on the agreement.

(3) If the required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

(4) The lien attaches upon the filing with the City Administrator of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer or land divider's failure to fulfill the required obligation.

(5) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(6) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.

SECTION 7.700 ADOPTED STANDARDS SECTION 7.710 CITY OF TANGENT STANDARDSThe City of Tangent has adopted the **Tangent Public Works Design Standards** for all public improvements within the City of Tangent including, but not limited to, improvements and extensions of a water system, sanitary sewer system, storm sewer system, and streets, sidewalks, and driveways. The Tangent City Administrator will maintain a current copy of the design and construction standards together with all amendments and/or addendums published by the City and those permanent modifications made in accordance with **Section 7.720 (2)** below.**SECTION 7.720 MODIFICATIONS PERMITTED**The Tangent City Administrator & City Engineer are authorized to review and approve modifications to the adopted design and construction standards for Public Improvements within the incorporated boundaries of the City of Tangent. Such modifications may be made upon written request from a developer or contractor designing and/or constructing public improvements within the City of Tangent. Modifications may be approved on a one-time basis or may be approved as a permanent modification to City Standards. Permanent modifications require the further approval of the City Council.(1) **One-time Modifications:** The City Administrator may approve one-time modifications for a particular public improvement upon written request if, in the opinion of the City Engineer, the requested modification would work better in the existing situation and would not adversely impact safety, life span, maintenance and repair requirements of the improvement.(2) **Permanent Modifications:** If, in the opinion of the City Engineer, a requested construction standard modification is superior to that specified in the **Tangent Public Works Construction Standards**, the standard may be approved as a One-time Modification for a particular project as an addendum to the project specifications and may be permanently adopted into the Tangent Public Works Construction Standards with the concurrence of the City Administrator and the City Council. Once a permanent modification has been approved, it shall be adopted into the

Tangent Public Works Design Standards by amendment.**SECTION 7.730 APPLICABILITY OF LINN COUNTY STANDARDS**For public improvements that are constructed within the public rights-of-way owned and controlled by Linn County, coordination is required with Linn County Road Department and the required Linn County permits must be obtained. In the event of a conflict between the City of Tangent's adopted design and construction standards with those of Linn County, Linn County standards will take precedence within Linn County rights-of-ways unless jointly agreed upon otherwise by Linn County and the City of Tangent.**SECTION 7.740**

APPLICABILITY OF ODOT STANDARDSFor public improvements that are constructed within the public rights-of-way owned and controlled by the Oregon Department of Transportation, access coordination and permitting is required from the Oregon State Highway Division. Uses, that propose to utilize either Old or New Highway 34 (until such time as the State of Oregon no longer owns Old Highway 34) or Highway 99E as access shall submit for City approval a Traffic Assessment in conformance with **Section 5.122 (6)**.

SECTION 7.800 ADOPTED REGULATIONS

SECTION 7.810 CITY CHARTER PROVISIONS

The Tangent City Charter provides for implementing public improvements. **Chapter IX, Public Improvements, Section 50 & 51.**

SECTION 7.820 CITY ORDINANCE PROVISIONS

Ordinance 86-01 specifies procedures for the implementation and administration of "Local Improvement Districts" that include parcels of land within a defined area of the City that are benefited by the provision of specified public improvements and provides for special assessments to be levied to pay for the local improvement and for the creation and enforcement of assessment liens.

Ordinance 91-02 & Resolution 91-14 specifies procedures for the implementation and administration of "System Development Charges" that impose a fee for the portion of costs for public improvements for Sanitary Sewers, Drainage, Streets, and Parks upon developments that create the need for increased demands on public improvements.

TANGENT LAND USE DEVELOPMENT CODE MATRIX

STANDARDS			PRIMARY LAND USE DISTRICTS				
	RS-10	RM-10	RM-6	CC	HC/I	GI	EFU
	Sec 4.111	Sec 4.112	Sec 4.113	Sec 4.121	Sec 4.122	Sec 4.131	Sec 4.141
Site Standards							
Minimum Lot Size	10,000 sf	10,000 sf	6,000 sf	10000 sf	10,000 sf	10,000 sf	40 acres
Minimum Width	80 ft	60 ft	60 ft	80 ft	80 ft	80 ft	

Urban Agricultural Use	Sec 6.410	Sec 6.410	Sec 6.410	Sec 6.410	Sec 6.410	Sec 6.410	Sec 6.410
Historic Preservation	Sec 6.510	Sec 6.510	Sec 6.510	Sec 6.510	Sec 6.510	Sec 6.510	Sec 6.510
Procedures							
Applications	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130
Application Site Plans	Sec 2.140	Sec 2.140	Sec 2.140	Sec 2.140	Sec 2.140	Sec 2.140	Sec 2.140
Land Divisions	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300
Site Plan Review	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400
Conditional Use	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500
Variances	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600
Amendments	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700
Definitions	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200

