

Title 17¹

ZONING

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Chapter 17.04

TITLE, PURPOSE AND DEFINITIONS

Sections:

- 17.04.010 Title
- 17.04.020 Purpose
- 17.04.030 Definitions

17.04.010 Title. Chapter 17 of the Municipal Code shall be known as the “Zoning Ordinance” of the City of Sweet Home.

17.04.020 Purpose. The purpose of the Zoning Ordinance, is to promote local health, safety, welfare, and economy and to assist in carrying out the general policies of the Sweet Home Comprehensive Plan. The Zoning Ordinance assists in implementing the statewide planning goals and guidelines.

17.04.030 Definitions. As used in this ordinance, the following words and phrases shall mean:

Abut. Adjoining with a common boundary line or contiguous to each other.

Access. The place, way or means by which pedestrians, bicycles, and motor vehicles enter and leave property.

Accessory Dwelling. A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family dwelling.

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

Adjacent. Near or close.

Alley. A public way which affords only a secondary means of access to property.

Alter. Any change, addition or modification in the construction of a building or structure.

Amusement or Recreation Services. Establishments engaged in providing entertainment for a fee and including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; commercial facilities such as arenas, rings, rinks, and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; swimming pools; and expositions.

Approach or Driveway Approach. That portion of land which accesses onto a public or private street.

Apartment. A dwelling unit in a multiple-family building.

Automobile Wrecking Yard. An area used for the dismantling or disassembling of motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked motor vehicles, machinery or trailers or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

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

Base Flood. Inundation during periods of higher than normal stream flow, high winds, or combinations thereof, that has a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100 year flood”.

Bed and Breakfast Establishment. A single family dwelling or part thereof, where lodging with meals are provided, for compensation, to transient guests for less than 15 days at a time. Such an establishment shall be occupied by the proprietor and contain not more than five guest rooms.

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

Boarding or Rooming House. A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals are provided, for compensation, for three or more persons on a daily basis.

Building. A structure built or assembled for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Coverage. The maximum percent of a lot that may be covered with all buildings on the lot and based on the ground floor area.

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

Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.

Building, Primary. A building within which is conducted the principal use permitted on the lot, as provided in this ordinance.

Building Official. The Building Official of the City of Sweet Home, Oregon.

City. The City of Sweet Home, Oregon.

City Council. The City Council of the City of Sweet Home, Oregon.

City Manager. The City Manager of the City of Sweet Home or designee.

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 or Building. A facility owned and operated by a government agency or a nonprofit community organization which is open to any resident of the City or surrounding area; provided, that the primary purpose of the facility is for recreation, social welfare, community improvement or public assembly.

Community Development Director. The Community Development Director for the City of Sweet Home, Oregon.

Comprehensive Plan. The duly adopted Sweet Home Comprehensive Plan.

Condominium. A type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated, in part by ORS Chapter 100.

Day Nursery. Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time three or more children not of common parentage, under the age of six years for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Delineation. An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

Density. The number of residential dwelling units per acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit in a residential development, not including areas dedicated for streets, or public facilities.

Dwelling, Multifamily. A building or portion thereof designed for occupancy by three 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 or manufactured home designed for and occupied by not more than one family and containing one dwelling unit, excluding tents, teepees, travel trailers, and other similar uses.

Dwelling, Single-Family Attached. Two or more dwelling units with common end- walls.

Dwelling, Two-Family (Duplex). A detached building designed for and occupied by not more than two families and containing two dwelling units.

Dwelling Unit. One or more rooms in a building designed for eating, sleeping, cooking and sanitation, as required by Building Code, for not more than one family.

Excavation. The removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.

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

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.

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

Floodplain. The area adjoining a stream, tidal estuary or shoreline that is subject to inundation by a base flood.

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

Floodway Fringe. The area of the floodplain lying outside of the floodway.

Floor Area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts.

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 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.

Hard Surface. An area surfaced with asphalt, concrete, paving blocks, or an equivalent substance approved by the City Engineer but shall not include gravel.

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

High Groundwater. The near surface groundwater which can present a problem to land development and engineering construction.

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.

Hotel. A building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.

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

Improved Street or Streets Improved. A hard surfaced roadway with curb and gutter.

Intermittent Runoff. The officially designated natural or manmade, open drainage channel or course necessary to convey stormwater runoff.

Junk Yard. An area where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing, or bailing any scrap, waste material, junk or used equipment or machinery of any nature.

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

Lot. A parcel of land used or capable of being used under the regulations of this ordinance, lawfully created as such in accordance with the subdivision laws or ordinances

Lot Area. The computed area contained within the lot lines, said area to be exclusive of street or alley right-of-ways.

Lot, Corner. A lot abutting on two or more streets, other than an alley, at their intersection.

Lot Coverage. That percentage of the total lot area covered by structures as herein defined.

Lot Depth. The horizontal distance between the front and the rear lot lines.

Lot, Interior. A lot or parcel of land other than a corner lot.

Lot Line. The property line bounding a lot.

Lot Line, Front. The lot line separating the lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular or other shaped lots, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

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

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

Manufactured Dwelling. Any of the following:

- A. A residential trailer, mobile home and manufactured home as described in this section. It shall not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
- B. "Manufactured Home" means a residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes and that was constructed before January 1, 1962 in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- C. "Mobile Home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect a the time of construction.

Manufactured Home Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person.

Mass Movement. The slow or rapid, natural or artificially induced movement of rock, soil, or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

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

Mobile Home Park. See manufactured home park.

Motel. A building or group of building lots in which lodging is provided to guests for compensation, with lodging units having separate entrances directly exterior and which may or may not have cooking facilities in the lodging units.

Native Vegetation. Plants identified as naturally occurring and historically found within the City of Sweet Home.

Natural Resource. An area of any locally inventoried wetland, pond, stream, channel, river, lake or habitat area.

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

Natural Resource Overlay. A designation given to all Significant Wetlands and Riparian Corridors delineated on the Significant Natural Resources Map.

Nonconforming Structure or Lot. A lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

Nonconforming Use. A lawful existing use at the time this ordinance or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

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

Open Storage. To put aside or accumulate property, for use when needed or later sale or disposal, in an area that is exposed to the public view from a public street (not alley).

Owner. An owner of record of real property as shown on the tax rolls of Linn County, or a person purchasing a piece of property under contract.

Parking Lot. An area of a lot, except for one and two family dwellings, used for parking vehicles.

Parking Space. An off-street enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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

Planning Commission. The Planning Commission of the City of Sweet Home, Oregon.

Ponding. The local accumulation of rainwater on the surface of the ground or to rising groundwater which actually has surfaced.

Professional Office. An office occupied by medical professionals, accountants, attorneys, architects, professional engineers or surveyors or persons engaged in similar occupations.

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

Recreational Facility. A recreation facility under private ownership and operated by a profit or nonprofit organization, open to bona fide members, and providing one or more type of recreation activity.

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailer, camping trailer, truck camper and motor home.

Recreational Retail. An establishments engaged in selling goods or merchandise when associated with a recreational development, marina and docks, and other similar uses.

Recreation Park. Any area for picnicking or overnight camping by the general public or any segment of the public.

Residential Facility. A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Resort. A facility for transient guests where the primary attraction is generally recreational features or activities.

Review Authority. The City of Sweet Home.

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

Riparian Corridor. A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary. For purposes of this ordinance, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

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. The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure.

Shopping Center. A retail store or combination of stores, usually including a grocery store, which provide goods for sale to the general public.

Shrubs. For the purpose of the Natural Resource Zone, a woody vegetation usually greater than 3 feet, but less than 20 feet tall, including multi-stemmed shrubs and small trees and saplings.

Significant Natural Resource. Significant Wetlands and Riparian Corridors within the City of Sweet Home’s Urban Growth Boundary and designated on the Significant Natural Resources Map.

Significant Wetlands. A wetlands mapped on the City of Sweet Home *Local Wetlands Inventory* which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands (July, 1996).

Sign. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

Sign, Advertising. A sign which directs attention to or identifies a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign, Business. A sign which directs attention to or identifies a business, product, activity or service which is conducted, sold or offered upon the premises where such sign is located.

Site Plan. A plan prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

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

Stream. A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

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

Substantial Improvements. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
 - 1. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Streambank Erosion. The loss of land by stream action.

Street. A public right-of-way for pedestrian and/or vehicular traffic.

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. Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.

Trees. For the purpose of the Natural Resource Zone, a woody plant 5 inches or greater in diameter at breast height and 20 feet or taller.

Top of Bank. A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage, which is the two year high water mark, of the stream.

Trailer House. A vehicle or similar portable device originally designed or presently constructed to permit temporary or permanent human occupancy for living and sleeping purposes, and including mobile homes and recreation vehicles having permanent kitchen and bath facilities.

Travel Trailer. A portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

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

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

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. For purposes of this ordinance, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

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

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

Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

Yard, Front - Inset. A yard on a flag lot, or similarly configured lot, paralleling the street and at the rear of another lot.

Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a main building.

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

Zero Lot Line Subdivision or Partition. A type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

Chapter 17.08

General Provisions

Sections:

- 17.08.010 Compliance with title provisions.
- 17.08.020 Interpretation.
- 17.08.030 General provisions regarding accessory uses.
- 17.08.040 Clear-vision areas
- 17.08.050 Exceptions to lot size requirements.
- 17.08.060 Exceptions to yard requirements.
- 17.08.070 Exception to building height limitations.
- 17.08.080 Projections from buildings.
- 17.08.090 Off-street parking requirements.
- 17.08.100 Accesses and Driveways

17.08.010 Compliance with title provisions.

- A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.
- B. No lot area, yard, off-street parking area or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.
- C. Every lot shall abut a street, other than an alley, for a width of at least twenty-five feet.

17.08.020 Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

17.08.030 General provisions regarding accessory uses. An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified elsewhere in this title. Accessory uses shall comply with the following limitations:

- A. Fences, hedges, and walls.
 - 1. May be located within required yards, but shall not exceed three and one-half feet in height in any required yard which abuts a street other than an alley, and shall not exceed two and one-half feet in height in a vision clearance area, except that open chain link fences which permit visibility and do not exceed 4 feet in height may be allowed.
 - 2. Elsewhere, fences, hedges and walls shall not exceed six feet in height in residential zones and eight feet in height in commercial or industrial zones.
 - 3. The fence shall display good workmanship, be of a uniform pattern, construction and design, use materials that are used by the fence-building industry for fencing purposes in the way they are used in the fence industry.

4. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in condition of disrepair or neglect including noticeable leaning, missing sections or broken support.
- B. No sales shall be made from a greenhouse or hothouse maintained accessory to a dwelling in a residential zone unless it has been approved as a home occupation under the Home Occupation provisions of this Title.
- C. A guest house may be maintained accessory to a dwelling; provided, there are no cooking facilities in the guest house.
- D. An accessory structure shall be detached from all other buildings by at least six feet. Accessory structures shall have a maximum floor area of eight hundred sixty-four square feet.
- E. An accessory structure shall meet minimum set backs, except that a garage shall be located a minimum of twenty feet from the front and street side property lines in a residential zone, and must be included in the lot coverage allowed.
- F. Accessory structures shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in condition of disrepair or neglect, including noticeable leaning and missing sections.
- G. Boats, trailers, pickup campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling; provided that:
 1. Parking or storage in a front or street side yard shall be permitted only on a driveway located at least three feet from any property line.
 2. If the equipment is not kept on a front or street side driveway, parking or storage shall be at least three feet from an interior side or rear lot line or in an enclosed garage or accessory structure.
- H. Accessory structures used for agricultural purposes shall be built no closer than twenty-five feet from the side or rear lot line.
- I. Mobile/manufactured homes, recreational vehicles, box cars, or other equipment commonly used for transporting goods, may not be used as an accessory structure.

17.08.040 Clear-vision areas. In all zones except the C-1 zone, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- A. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured.
- B. All fences, hedges, plantings, walls, structures, or temporary or permanent obstructions within a clear-vision area shall not exceed two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except as follows:
 1. Trees may be located in this area; provided they meet the clearance standards set in SHMC 12.16.080.
 2. Open chain link fences which permit visibility shall be allowed in a clear vision area, but shall not exceed four feet in height.
 3. The following measurements shall establish a clear-vision area:

- a. In a residential, C-2 or M zone, the minimum distance shall be twenty feet, except as follows:
 - (1) At intersections including an alley, the minimum distance shall be ten feet;
 - (2) When the angle of intersection between streets, other than an alley, is less than thirty degrees, the minimum distance shall be twenty-five feet.

17.08.050 Exceptions to lot size requirements . This section shall apply in the event that a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the recorder of the county and located in the City as of January 1, 1971, or the date of annexation of the property to the City, whichever is later, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located. In this case, the holdings may be by a use permitted in the zone subject to the other requirements of the zone. 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 zone.

17.08.060 Exceptions to yard requirements. The following exceptions to the yard requirements are authorized for a lot in any zone:

- A. If there are buildings on both abutting lots which are within one hundred feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots;
- B. If there is a building on one abutting lot which is within one hundred feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth;
- C. Garage and carport setbacks shall not be reduced below twenty feet.

17.08.070 Exception to building height limitations. Vertical projections such as chimneys, spires, and flag poles, are not subject to the building height limitations of this title. Amateur radio, AM radio, police, and fire antennas are not subject to the building height limitation of this title when approved by the Planning Commission.

17.08.080 Projections from buildings. Architectural features such as cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall not project more than thirty inches into a required yard.

17.08.090 Off-street parking requirements. 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.

- A. Parking Lots.
 - 1. Design and Improvement Requirements:
 - a. All parking lots and driveway approaches shall be hard surfaced and permanently marked.

- b. All parking lots shall be designed or graded so as not to drain storm water over the sidewalk or onto any abutting public or private property.
- c. Parking lots shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.
- d. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or bumper placed to prevent a motor vehicle from extending over adjacent property or a street right-of-way.
- e. All parking lots must be designed in accordance with City standards for stalls and aisles as set forth in the following table:

Parking Angle (Degree)	Stall Width	Stall to Curb	Aisle Width	Curb Length
0	8'0"	8.0	12.0	22.0
45	9'6"	20.1	13.0	13.4
60	9'6"	21.2	18.0	11.0
90	9'6"	19.0	24.0	9.5

- f. For two-way circulation the minimum aisle width shall be 20 feet. Adequate ingress, egress and turnaround space shall be provided.
 - g. No portion of a parking lot shall be located in a required landscaped yard.
 - h. Service drives to parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety of pedestrian and vehicular traffic in the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic.
 - i. Where a parking lot or loading area abuts a public right-of-way there shall be provided a minimum five foot wide landscaped buffer located on the lot.
2. Location Standards.
- a. Parking lots for dwellings shall be located on the same lot as the dwellings.
 - b. Parking lots for all other uses shall be located not further than five hundred feet from the building or use they are required to serve.
 - c. In residential zones, parking lots shall not be located in a required front or street side yard.
 - d. Parking lots with access to arterial or collector streets shall be designed to connect with existing or future parking lots on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

- B. Required off-street parking spaces shall be available for the parking of operable motor vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- C. The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building, zoning or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this title.
- D. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase in off-street parking is provided.
- E. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- F. Owners of two or more uses, structures or parcels of land may agree to use the same parking spaces jointly when the shared parking meets the required number of spaces for the combined uses. A joint use agreement pertaining to the cooperative use of the parking spaces must be submitted to the City Manager for approval.
- G. A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.
- H. Space requirements for off-street parking shall be as listed in this section [Table - Parking Requirements]. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building used for off-street parking or loading.
- I. All areas located within the C-1 zone are exempt from the off-street parking requirements of this section, but where parking is provided, it shall meet all other requirements of this section.

Parking Requirements

Use	Space Requirement
1. Single-, two- and multifamily dwelling	Two spaces per dwelling unit
2. Manufactured home park	Two spaces per dwelling unit
3. Hotel or motel	Three spaces per two guest accommodations
4. Welfare or correctional, institution, convalescent hospital, nursing	One space per two beds for home, retirement home, residents, patients or home for the aged, or inmates
5. Hospital	Three spaces per two beds
6. Place of public assembly including church, auditorium, gymnasium, community center, theater, club, lodge hall or fraternal organization	One space per four seats or eight feet of bench length in the main auditorium, or if seating is not fixed to the floor, one space per 60 square feet of floor area
7. Library, museum, art gallery	One space per 300 square feet of floor area
8. Preschool nursery, day nursery, kindergarten	Two spaces per teacher
9. Elementary, junior high school	Two spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is greater
10. Senior high school	Eight spaces per classroom and special instruction area or the requirement for a place of public assembly, whichever is greater
11. Bowling alley	Six spaces per alley
12. Dance hall, skating rink, pool hall or similar indoor commercial amusement enterprise	One space per 100 square feet of floor area
13. Retail store, except as provided in subsection 14 of this section	One space per 200 square feet of floor area
14. Retail store exclusively handling bulky merchandise such as automobiles and furniture	One space per 600 square feet of floor area
15. Service or repair establishment	One space per 600 square feet of floor area
16. Bank or office (except medical or dental)	One space per 300 square feet of floor area
17. Medical or dental office, clinic	One space per 250 square feet of floor area
18. Eating or drinking establishment	One space per 100 square feet of floor area
19. Mortuary	One space per four seats or eight feet of bench length in chapels
20. Manufacturing, fabricating, processing, assembling, packing, storage, or wholesaling establishment; freight depot; truck terminal	One space per two employees working on the premises during the largest shift at peak season
21. Unspecified uses	Any use not specifically listed in this section shall have a parking requirement determined by the City Manager, based on the parking space requirement for comparable uses listed in this section. The decision of the City Manager may be appealed to the planning commission, using procedures as spelled out in this ordinance.

17.08.100 Accesses and Driveways. Access ways onto a public right-of-way shall be subject to issuance of a public works permit and review by the City planner. In addition the following specific requirements shall apply to all access ways, approaches, curbcuts, and driveways:

- A. Approaches. Additions to, or new construction of, a garage or accessory structure, or an addition to the main structure in excess of 120 square feet, shall provide the basis for requiring the following:
 - 1. An access approach to a City street, state highway, alley, or other public right-of-way shall be hard surfaced and constructed in accordance with City design standards.
 - 2. An access approach shall extend twenty feet onto the property, measured from the right-of-way or property line, whichever is closest to a structure on the property.
 - 3. In addition to the above, if the street is hard surfaced the approach will extend to the existing hard surface roadway edge or curb whichever applies.
 - 4. An access approach to streets which are not yet improved or hard surfaced, requires that the property owner enter into an agreement with the City, prior to issuance of a public works permit, to hard surface the approach when the street is hard surfaced or improved.
- B. Construction Specifications. A driveway and sidewalk used as a part of an access way shall be designed and constructed in accordance with the plans and specifications on file in the office of the City Engineer. Such designs, plans and specifications are by reference incorporated into and made a part of this Code.
- C. Driveway Width and Placement.
 - 1. If only one driveway is desired, the maximum width of the driveway at the edge of the roadway or curblines is as follows:
 - a. 20 feet for property with less than 50 feet of frontage.
 - b. 25 feet for property with between 50 and 75 feet of frontage.
 - c. 30 feet for property with more than seventy-five feet of frontage.
 - 2. If more than one driveway is desired for property with 50 to 100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted.
 - 3. There shall be a minimum separation of 22 feet between all driveways except for single and two-family dwellings.
 - 4. For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.
 - 5. One-way driveway approaches, except for those used in conjunction with a single-family dwelling, shall be clearly marked or signed as approved by the City Engineer and shall not be less than 10 feet in width. Two-way driveways shall not be less than 20 feet in width.

D. Distance from Intersection. All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius, which is the nearest beginning point of the arc of a curb:

- | | | |
|----|------------------|---------|
| 1. | Local Street | 20 feet |
| 2. | Collector Street | 30 feet |
| 3. | Arterial Street | 40 feet |

Where streets of different functional classification intersect, the distance required shall be that of the higher classification.

- E. Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.
- F. Double Frontage Properties. Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.
- G. Joint Access Encouraged. Common access ways at a property line shall be encouraged, and in some instances may be required, in order to reduce the number of access points to street. Construction of common access ways shall be preceded by the recording of joint access and maintenance easements.
- H. Maximum Slope. Access and approach grades shall not exceed 10% slope except as otherwise approved by the City Engineer.
- I. Access to State Highways. Access to designated state highways shall be subject to the provisions of this Chapter in addition to requirements of the Highway Division, Oregon Department of Transportation. Where regulations of the City and state may conflict, the more restrictive requirement shall apply.

Chapter 17.12

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.12.010 Authorization to initiate amendments.
- 17.12.020 Public hearings on amendments.
- 17.12.025 Review criteria for map amendments.
- 17.12.030 Record of amendments.
- 17.12.040 Limitation.
- 17.12.050 Administration.
- 17.12.060 Zoning permit.
- 17.12.070 Home occupation permit.
- 17.12.080 Authorization of similar uses.
- 17.12.090 Appeals.
- 17.12.100 Form of petitions, applications and appeals.
- 17.12.110 Filing fees.
- 17.12.120 Notice of public hearing.
- 17.12.130 Public hearing procedure.
- 17.12.140 General administrative provisions.
- 17.12.150 Enforcement

17.12.010 Authorization to initiate amendments. An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the City Manager, the City Planning Commission, the City Council, or a property owner. A quasi judicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the City Manager, the Planning Commission or the City Council. A request for a quasi judicial zone map amendment by a property owner shall be accomplished by filing an application with the City planner at least 45 days prior to the Planning Commission meeting using forms prescribed pursuant to Section 17.12.100.

17.12.020 Public hearings on amendments.

- A. The Planning Commission may elect to conduct a public hearing on a proposed amendment.
- B. The Planning Commission shall recommend to the City Council approval, disapproval or modification of the proposed amendment.
- C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.
- D. All public hearing procedures shall be in accordance with Sections 17.12.120 and 17.12.130.
- E. Within five days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

17.12.025 Review Criteria for map amendments. An amendment to the official zoning or Comprehensive Plan map may be authorized provided that the proposal satisfied all relevant requirements of this title, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and
- D. The proposed amendment to the Comprehensive Plan Map is consistent with Oregon's Statewide Planning Goals.

17.12.030 Record of amendments. The City recorder shall maintain records of amendments to the text and zoning map of the ordinance codified in this title.

17.12.040 Limitation. No application of a property owner for an amendment to the text of this title or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request; except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

17.12.050 Administration. The City Manager shall have the power and duty to enforce the provisions of this title.

17.12.060 Zoning and Development Plan Review permits.

- A. Prior to the construction, reconstruction, alteration or change of use of any structure or prior to the change of use of any piece of property where a structure may or may not be involved, a Development Plan Review permit for such construction, reconstruction, alteration or change of use shall be obtained from the City Manager. If the Development Plan Review permit involves construction, reconstruction or alteration of a structure, the permit shall be issued concurrently with the building permit, and no additional fee shall be required. If the permit involves a change of use without any construction, reconstruction or alteration of structure involved, a fee set by Council Resolution shall be paid upon filing of an application.
- B. Prior to the construction or reconstruction of fences or signs, a permit for the proposed work shall be obtained from the City Manager. Normal maintenance of fences and signs are not considered to be reconstruction. A fee set by Council resolution shall be paid upon filing of an application.

17.12.070 Home occupation permit.

- A. The Planning Commission may permit home occupations in a residential zone, provided that the following standards are met:
 - 1. The home occupation shall be secondary to the residential use;
 - 2. All aspects of the home occupation shall be contained and conducted within a completely enclosed building;

3. No person other than immediate family members residing within the dwelling shall be engaged in the home occupation;
 4. Other than one unlighted sign not exceeding two square feet in area, used only to identify the name and/or occupation of the resident, there will be no display that indicates from the exterior that the building is being used in whole or in part for any purpose other than residential uses;
 5. No structural alteration shall be permitted which would detract from the use or outward appearance of the property as a residence;
 6. The floor area devoted exclusively to the home occupation must not exceed forty-nine percent of the total floor area of the dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over five hundred square feet of floor area;
 7. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors;
 8. There shall be no parking of customers' vehicles in a manner or frequency so as to block any driveway or impede the safe flow of traffic.
 9. In approving a Home Occupation Permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interests of the surrounding property or the City as a whole.
- B. Notice of the application shall be provided to all adjacent property owners within 300 feet of the subject property.
1. An application fee set by Council shall be paid upon filing an application.
 2. There will be a public hearing by the Planning Commission to consider the request.
- C. The decision of the Planning Commission may be appealed to the City Council in accordance with Section 17.12.090.

17.12.080 Authorization of similar uses. The City Manager may permit in a particular zone a use not listed in this title; provided, the use is of the same general type as the uses permitted there by this title. However, this section does not authorize a use in a zone where it is not listed or a use specifically listed in another zone. This section does not authorize a use of the same general type specifically listed in another zone. The decision of the City Manager may be appealed to the Planning Commission using procedures as spelled out in Section 17.12.090 of this title.

17.12.090 Appeals.

- A. An appeal of an administrative decision concerning this Title will be made to the Planning Commission. Appeals of a Planning Commission decision will be made to the City Council.
- B. A fee set by resolution of Council will be paid upon filing of an appeal.
- C. At an appeals hearing, the ordinances and criteria must be stated, and the applicant or appellant must address these criteria with sufficient specificity to allow decision makers an opportunity to respond to the issue.

- D. Upon appeal or review, the appellate authority must consider the record of the action or ruling which resulted in appeal.
- E. An aggrieved party in a proceeding for a zone change or discretionary permit may appeal the City Council decision to LUBA.

17.12.100 Form of petitions, applications and appeals.

- A. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the City.
- B. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title.

17.12.110 Filing fees. The City Council shall establish application fees and fee policies by separate resolution for the performance of the actions and reviews required by this title.

17.12.120 Notice of public hearing.

- A. Each notice of hearing authorized by this title shall be published in a newspaper of general circulation in the City at least ten days prior to the date of the hearing.
- B. In addition, the following notice requirements shall apply:
 - 1. A notice of hearing on a variance shall be mailed to the applicant and to all owners of record of property on the most recent property tax assessment role available to the City within one hundred feet of the subject property.
 - 2. A notice of a hearing on a conditional use or an amendment to a zoning map shall be mailed to the applicant and to all owners of record of property on the most recent property tax assessment role available to the City within three hundred feet of the subject property.
- C. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site.
- D. Notice distances will be measured from the exterior boundaries of the subject property for which the application request has been made.
- E. The notice shall be mailed at least twenty days prior to the date of hearing.
- F. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- G. The notice provisions of this section shall not restrict the giving of notice by other means, including the posting of property or the use of radio.
- H. When a zone change is proposed for a mobile home park, the residents of the mobile home park shall be given twenty days notice of the required public hearing.
- I. Notice of a public hearing on a zone change shall be provided to the owner of an airport if:
 - 1. The owner has requested notification from the City Planner; and
 - 2. The property subject to the zone change is within five thousand feet of the side or end of an airport runway.

3. The zone change would allow a structure of thirty-five feet or greater in height and the property is located inside the runway approach surface.
- J. All notices of public hearings shall contain the following information:
1. Explain the nature of the application and the proposed use or uses which could be approved;
 2. List of applicable criteria from this title and the Comprehensive Plan that apply to the application at issue;
 3. Set forth the street address or other easily understood geographic identifier;
 4. State the date, time and location of the hearing;
 5. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
 6. Include the name and telephone number of a local government representative to contact for more information;
 7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost;
 8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; and
 9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

17.12.130 Public hearing procedure.

- A. Order of Public Hearing Procedure.
1. At the outset of the hearing, the chair shall review the public hearing procedure.
 2. City staff shall briefly review the basic facts involved in the proposal.
 3. The chair shall provide the opportunity for questions to be asked by the board or from the floor regarding clarification of the matter to be heard.
 4. All those persons who support the proposed application shall first be permitted to present their case. The applicant or their representative shall proceed first to be followed by all others who support the application.
 5. All those who oppose the proposed application shall then present their case. Representatives of a group shall proceed first followed by others in opposition.
 6. All those who do not necessarily support or oppose the proposed application shall then have an opportunity to speak.
 7. City staff shall then make further presentation, if appropriate. City staff may also answer questions or clarify issues during other stages of the hearing whenever permitted by the chair during the hearing.
 8. Following all presentation, brief rebuttal shall be permitted by all parties in the same general order as initial presentations. The chair shall have broad discretion to limit rebuttal to avoid repetition and redundancy.
- B. Members of the board conducting the hearing may question anyone making a presentation at a hearing, but such questioning shall occur after, not during, the individual's presentation.

- C. Any questions from the floor shall be addressed to the chairman. The chair shall then direct the question to the appropriate person.
- D. No person shall be disorderly, disruptive or abusive during the conduct of the hearing.
- E. No person shall testify without receiving recognition from the chair and stating their full name and address.
- F. All presentations shall be as brief as possible, and redundancy and repetition shall be avoided.
- G. The chair shall have authority to:
 1. Regulate the course and decorum of the hearing;
 2. Dispose of procedural matters;
 3. Rule on relevancy of testimony and request documentation at any time;
 4. Impose reasonable limitations on the number of witnesses and time limits for presentation and rebuttal.
- H. At the close of all presentations and rebuttal, the chair shall declare that the hearing is closed, and thereafter, no further evidence or argument shall be received. Once a hearing has been closed, it shall be reopened only upon vote of the City Council or Planning Commission.
- I. Any person making a presentation may present one or more written exhibits, visual aides, affidavits and similar material to be considered as a part of the evidence.
- J. At City Council hearings, all Planning Commission minutes and records shall be a part of the record before the City Council. A Planning Commission representative may testify as part of the City staff presentation at a City Council hearing.
- K. The Planning Commission or City Council may allow a continuance of the public hearing in order to obtain additional information or to serve further notice upon other persons it decides may be interested in the proposal being considered. If continued the time and date when the hearing is to be resumed shall be announced.

17.12.140 General administrative provisions.

- A. An applicant may apply at one time for all permits or zone changes needed for a development project.
- B. The City shall take final action on all land use actions, limited land use actions, or zone change applications including all appeals, within one hundred twenty days of completion of the application. Applications or appeals which require consideration by agencies or entities outside the City jurisdiction are excepted from this deadline. The one-hundred-twenty-day deadline may be extended for a reasonable amount of time at the request of the applicant.
- C. If an application is incomplete, the City shall notify the applicant within thirty days of receipt of the application and allow the applicant to submit the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete, at least for the purpose of subsection B of this section, on the 31st day after the City received the application. If the applicant agreed to supply the missing information, the application shall be deemed complete for the purpose of subsection B of this section when the missing information is supplied.

- D. If the application was complete when first submitted, or if the applicant supplies requested additional information within one hundred eighty days of initial submittal, approval or denial of the application shall be based upon the standards and conditions which were in effect at the time of submittal.
- E. If an application is not acted upon within one hundred twenty days after completion:
 - 1. The City shall refund to the applicant either the unexpended portion of any application fees previously paid, or 50% of the total amount of such fees, whichever is greater.
 - 2. The applicant may apply in the circuit court of Linn County for a writ of mandamus to compel the City to issue the approval.
- F. Ex parte contacts with a member of the decision making body shall not invalidate a final decision or action of the decision making body. The member receiving the information shall report the information for the record at the hearing. The chair shall allow rebuttal of the content at the first hearing where action will be considered or taken.

17.12.150 Enforcement.

- A. Penalty. Violations of this Title constitutes an infraction and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 as now enacted or hereafter amended. Each day's violation is a separate offense.
- B. Alternative Remedy. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this Title, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this Title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. For abatement the City may follow the procedure set out in Sweet Home Municipal Code Article II of Chapter 8.04 as now enacted or hereafter amended except no hearing need be held before abatement occurs if a hearing before the Planning Commission or City Council has already been held on the issue in dispute and said body has made a final decision thereon. The City can recover its expenses as set forth in the abatement procedure.

Chapter 17.16

OFFICIAL CITY COMPREHENSIVE PLAN

Sections:

- 17.16.010 Purpose.
- 17.16.020 Comprehensive Plan.
- 17.16.030 Goal 5 inventory.

17.16.010 Purpose. The purpose of this chapter is to promote the public health, safety, and general welfare of the City and to assist in implementing adopted statewide planning goals and guidelines. Specifically, this chapter is in response to Oregon law as codified in OAR 660-Division 19 which requires all cities and counties in Oregon to conduct a periodic review of their Comprehensive Plan and amend it as necessary to meet state and federal requirements.

17.16.020 Comprehensive Plan. The revised and amended Comprehensive Plan as reviewed and approved by the City Council after public hearing on December 12, 1989 is the official guide for decisions related to land use, and by this reference is made a part thereof.

17.16.030 Goal 5 inventory. The goal 5 inventory identifies specific resource sites and provides information relating to these sites. This inventory is incorporated into the Comprehensive Plan by reference and is the official summary of the resource sites within the City.

ESTABLISHMENT OF ZONES

Sections:

- 17.20.010 Classification of zones.
- 17.20.020 Location of zones.
- 17.20.030 Zoning maps.
- 17.20.040 Zoning of annexed areas.
- 17.20.050 Zone boundaries.

17.20.010 Classification of zones. For the purposes of this title, the following zones are established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential Low-density	R-1
Residential High-density	R-2
Commercial Central	C-1
Commercial Highway	C-2
Commercial Neighborhood	C-3
Industrial	M
Planned Development	PD
Recreation Commercial	RC
Open Land Use	OLC
Residential Industrial Transitional	R/M (T)
Natural Resources Overlay	NR
Airport Overlay	AO

17.20.020 Location of zones. The boundaries for the zones listed in this title are indicated on the City Zone Map of 1983, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

17.20.030 Zoning maps. A zoning map or zoning map amendment adopted by Section 17.20.020 of this title or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment shall be maintained in the office of the City clerk as long as this title remains in effect.

17.20.040 Zoning of annexed areas. All areas annexed to the City shall continued to be zoned under the existing county zoning, unless the area or a part of the area is specifically placed in a zone or zones by the City Council, after receiving and considering the recommendations of the City Planning Commission.

17.20.050 Zone boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerline of street or railroad rights-of-way, or such lines extended.

Chapter 17.24

R-1 RESIDENTIAL LOW-DENSITY ZONE

Sections:

- 17.24.010 Purpose.
- 17.24.020 Uses permitted outright.
- 17.24.030 Conditional uses permitted.
- 17.24.040 Lot size and width.
- 17.24.050 Yard Setbacks.
- 17.24.060 Lot coverage.
- 17.24.070 Building height.
- 17.24.080 Minimum building size.
- 17.24.090 Standards for manufactured homes on individual lots.
- 17.24.100 Garage and off street parking requirements.

17.24.010 Purpose. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.

17.24.020 Uses permitted outright. In a R-1 zone, the following primary residential uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. Two-family dwelling on corner lots where each living unit has access from a separate street.
- C. Residential facility or home.

17.24.030 Conditional uses permitted. In a R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Airport;
- B. Cemetery;
- C. Church, religious or philanthropic institution;
- D. Community center;
- E. Hospital;
- F. Private golf course, country club, or recreational club;
- G. Public school and private school offering curricula similar to public school;
- H. Public utility facility;
- I. Boarding or rooming house;
- J. Bed and breakfast establishments;
- K. Accessory Dwelling;
- L. Temporary Dwelling Unit for Medical Hardship Purposes;
- M. Secondary Use on a lot without a primary amateur;
- N. Duplexes not meeting SHMC 17.24.020 (B).
- O. RV for government facility caretaker.
- P. Amateur radio, police, and fire antennas.

17.24.040 Lot size and width. Except as provided in Section 17.08.050, the minimum lot size and width in a R-1 zone shall be as follows:

- A. The minimum lot area shall be eight thousand square feet;
- B. The minimum lot width at the front building line shall be eighty feet.

17.24.050 Yard Setbacks. Except as provided in Section 17.08.060, in a R-1 zone, yard setbacks shall be as follows:

- A. The front yard setback shall be a minimum of twenty feet;
- B. Each side yard setback shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of thirteen feet;
- C. The street side yard setback shall be a minimum of fifteen feet;
- D. The rear yard setback shall be a minimum of fifteen feet;
- E. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of fifteen feet;
- F. No building shall be located closer than forty-five feet from a centerline of a street other than an alley.
- G. Regardless of the side and rear yard setback requirements of the zone, an accessory structure may be built to within five feet of side or rear lot line; provided, the structure is more than seventy feet from the street abutting the front yard and twenty feet from the street abutting the street side yard.

17.24.060 Lot coverage. In a R-1 zone, buildings shall not occupy more than thirty-five percent of the lot area.

17.24.070 Building height. Except as provided in Section 17.08.070, in a R-1 zone building heights shall be as follows:

- A. The height of a building for a dwelling shall not exceed a height of thirty feet.
- B. Accessory structures shall not exceed twenty feet in height at the apex of the roof.

17.24.080 Minimum building size. Dwellings in the R-1 zone shall have a minimum size of one thousand square feet.

17.24.090 Standards for manufactured homes on individual lots.

- A. The manufactured home shall be placed on a foundation meeting the standards outlined on OMDAR 918-505-020 and placed on a foundation, enclosed at the perimeter with no more than twenty-four inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than twenty-four inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twenty-four inch limitation will not apply;
- B. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or shall have continuous skirting which matches the exterior and meets the requirements of OMDAR 918-505-050 and OMDAR 918-505-060;
- C. Shall be multisectional and at least twenty-eight feet in width;

- D. Shall have a roof with a minimum pitch of 3 feet in height for each 12 feet in width;
- E. Only structures that conform to the state definition of a manufactured accessory structure may be attached to the manufactured home, as per the applicable Building Codes. For the purposes of this chapter, a free standing carport or garage may be physically connected with flashing to achieve the appearance of attachment;
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards required of single-family dwellings constructed under the Single and Two Family Dwelling Codes as defined in ORS Chapter 455; and,
- G. Prior to the location or relocation of any manufactured home, the owner or an authorized representative shall receive a placement permit from the City.

17.24.100 Garage and off street parking requirements. All dwellings in the R-1 zone will have at minimum the following:

- A. A garage or carport; and,
- B. Two hard surfaced off-street parking spaces shall be provided.

R-2 RESIDENTIAL HIGH-DENSITY ZONE

Sections:

- 17.28.010 Purpose.
- 17.28.020 Uses permitted outright.
- 17.28.030 Conditional uses permitted.
- 17.28.040 Lot size and width.
- 17.28.050 Yards.
- 17.28.060 Lot coverage.
- 17.28.070 Building height.
- 17.28.080 Minimum building size.
- 17.28.090 Standards for manufactured homes on individual lots.
- 17.28.100 Garage and off street parking requirements.
- 17.28.110 Standards for manufactured home parks.

17.28.010 Purpose. The purpose of the R-2 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-2 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside the City.

17.28.020 Uses permitted outright. In a R-2 zone, the following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;
- B. Multifamily dwelling;
- C. Two family dwellings;
- D. Manufactured home park,
- E. Single family attached dwellings.

17.28.030 Conditional uses permitted. In a R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;
- B. Professional office, except for veterinarian;
- C. Club, lodge, fraternal organization.
- D. Amateur radio, police, and fire antennas.

17.28.040 Lot size and width. Except as provided in, Sweet Home Municipal Code 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:

- A. The minimum lot area for a multi-family dwelling shall be two thousand five hundred

² Chapter 17.28 has an effective date of 4-16-2006

- square feet per dwelling unit;
- B. The minimum lot area for a two-family dwelling shall be six thousand square feet;
- C. The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be five thousand square feet;
- D. Single family attached dwellings shall have a minimum lot area of two thousand five hundred (2,500) square feet per dwelling unit;
- E. The minimum lot width at the front building line shall be as follows:
 - 1. Seventy feet for a corner lot,
 - 2. Sixty feet for an interior lot,
 - 3. Twenty five feet for a single family attached dwelling lot.

17.28.050 Yard Setbacks. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

- A. The front yard setback shall be a minimum of twenty feet;
- B. Each side yard setback shall be a minimum of five feet;
- C. The street yard setback shall be a minimum of fifteen feet;
- D. The rear yard setback shall be a minimum of ten feet;
- E. Single family attached dwellings:
 - 1. Front shall be a minimum of 20 feet;
 - 2. The sides between units shall be zero feet;
 - 3. The sides on exterior boundaries shall be 5 feet;
 - 4. Street side shall be a minimum of 15 feet;
 - 5. Rear shall be a minimum of 10 feet.
- F. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of ten feet;
- G. No building shall be located closer than forty feet from a centerline of a street other than an alley.
- H. Regardless of the side and rear yard setbacks requirements of the zone, an accessory structure may be built to within five feet of side or rear lot line; provided, the structure is more than seventy feet from the street abutting the front yard and twenty feet from the street abutting the street side yard.

17.28.060 Lot coverage. Building coverage shall meet the following standards:

- A. All buildings, except single family attached dwellings, shall occupy not more than fifty percent of the lot area.
- B. Single family attached dwellings shall not exceed 60 percent of the lot area.

17.28.070 Building height. Except as provided in Sweet Home Municipal Code 17.08.060, in a R-2 zone building heights shall be as follows:

- A. Single family dwellings shall not exceed a height of thirty feet.
- B. Two family, single family attached dwellings, and multi-family dwellings shall not exceed a height of forty feet.

C. Accessory structures shall not exceed twenty feet in height at the apex of the roof.
 17.28.080 Minimum building size. Dwellings in the R-2 zone shall have a minimum building size of seven hundred twenty (720) square feet.

17.28.090 Homes on individual lots.

- A. A home shall be placed on a foundation enclosed at the perimeter with no more than thirty-two inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than thirty-two inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the thirty-two inch limitation will not apply.
- B. The base of a home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home shall have a nominal width of at least twenty-four feet.
- D. A home shall have a roof with a minimum pitch of 3 feet in height for each 12 feet in width.

17.28.100 Garage and off street parking requirements.

- 1. All single family, two family and single family attached dwellings will have at minimum the following:
 - a. A garage or carport; and,
 - b. One hard surfaced off-street parking spaces shall be provided.

17.28.110 Standards for new and expanded manufactured home parks.

Description	City Standard
1. Minimum size of park	1 acre (ORS)
2. Minimum size of dwelling space	4,000 square feet
3. Minimum width of dwelling space	40 feet
4. Minimum length of dwelling space	80 feet
5. Minimum distance between dwellings and the public right-of-way	20 feet
6. Minimum distance between dwellings and all other exterior property lines	15 feet
7. Exterior boundary fencing	6' on sides and rear
8. Landscaping	10' at front entrance
20. Must meet the minimum standards set in the Manufactured Dwelling Parks Administrative Rules - Chapter 918 Division 600	

Chapter 17.30³

R-3 - MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

- 17.30.010 Purpose.
- 17.30.020 Uses permitted outright.
- 17.30.030 Conditional uses permitted.
- 17.30.040 Lot size and width.
- 17.30.050 Yards.
- 17.30.060 Lot coverage.
- 17.30.070 Building height.
- 17.30.080 Minimum building size.
- 17.30.090 Standards for homes on individual lots.
- 17.30.100 Garage and off street parking requirements.

17.30.010 Purpose. The purpose of the R-3 zone is to provide areas suitable and desirable for single family homes, duplexes on corner lots, condominiums, town houses, and appropriate community facilities.

17.30.020 Uses permitted outright. The following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;
- B. Two family dwellings;
- C. Single family attached dwellings.

17.30.030 Conditional uses permitted. The following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;
- B. Multi-family dwellings;
- C. Professional offices.

17.30.040 Lot size and width. The minimum lot size and width shall be as follows:

- A. The maximum net density shall not exceed 9 dwelling units per acre:
 - 1. Single-family dwellings shall have a minimum lot area of five thousand square feet;
 - 2. Two-family dwellings shall have a minimum lot area of six thousand square feet;

³Chapter 17.30 has an effective date of March 22, 2005

3. Single family attached dwellings shall have a minimum lot area of four thousand eight hundred (4,800) square feet per dwelling unit;
4. The minimum lot width at the front building line shall be as follows:
 - a. Seventy feet for a corner lot;
 - b. Sixty feet for an interior lot.

17.30.050 Yard Setbacks. Yard setbacks shall be as follows:

- A. Single family and two family dwelling units:
 1. The front shall be a minimum of 20 feet;
 2. Each side shall be a minimum of 5 feet;
 3. The street side yard shall be a minimum of 15 feet;
 4. The rear shall be a minimum of 10 feet;
 5. On a flag lot, the inset front yard setback shall be a minimum of 10 feet;
 6. No building shall be located closer than one-half the distance of the right-of-way projected for the abutting street, based on the street classification, plus the required front setback from a centerline of a street other than an alley.
- B. Single family attached dwellings:
 1. Front shall be a minimum of 20 feet;
 2. The sides between units shall be zero feet;
 3. The sides on exterior boundaries shall be 5 feet;
 4. Street side shall be a minimum of 15 feet;
 5. Rear shall be a minimum of 10 feet.

17.30.060 Lot coverage. Building coverage shall meet the following standards:

- A. A single family dwelling shall not exceed 35 percent of the land area;
- B. Two family dwellings shall not exceed 50 percent of the land area;
- C. Single family attached dwellings shall not exceed 60 percent of the land area.

17.30.070 Building height. Building heights shall be as follows:

- A. Single family dwellings shall not exceed a height of 30 feet.
- B. Two family and single family attached dwellings shall not exceed a height of 40 feet.
- C. Accessory structures shall not exceed 20 feet in height at the apex of the roof.

17.30.080 Minimum building size. Primary use buildings shall have a minimum building size of 850 square feet.

17.30.090 Homes on individual lots.

- A. A home shall be placed on a foundation enclosed at the perimeter with no more than thirty-two inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than thirty-two inches of the enclosing material shall be

exposed on the uphill side of the home. If the home is placed on a basement, the thirty-two inch limitation will not apply.

- B. The base of a home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home shall have a nominal width of at least twenty-four feet.
- D. A home shall have a roof with a minimum pitch of 3 feet in height for each 12 feet in width.

17.30.100 Garage and off street parking requirements. All dwellings will have at minimum the following:

- A. A garage or carport; and,
- B. One hard surfaced off-street parking spaces shall be provided.

Chapter 17.31⁴

R-4 RESIDENTIAL MIXED USE ZONE

Sections:

- 17.31.010 Purpose.
- 17.31.020 Uses permitted outright.
- 17.31.030 Conditional uses permitted.
- 17.31.040 Development standards.

17.31.010 Purpose. The purpose of the R-4 Zone is to provide a zone for primarily medium to high density residential mixed-use developments, with limited commercial, institutional, office and service uses distributed on site in a manner sensitive to the street environment and adjacent residential uses.

17.31.020 Uses permitted outright. The following uses and their accessory uses shall be permitted outright:

- A. Residential Uses
 - 1. A use permitted outright in any residential zone.

17.31.030 Conditional uses permitted. The following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80.

- A. Church, nonprofit religious or philanthropic institution;
- B. Community center;
- C. Governmental structure or use of land, or public utility facility;
- D. Food store, retail, restaurant;
- E. Drug store;
- F. Barber or beauty shop;
- G. Laundromat, clothes cleaning establishment;
- H. Rooming or boarding house;
- I. Bed and breakfast establishment;
- J. Professional Office;
- K. Veterinary;
- L. Amateur radio, police, and fire antenna.

17.31.040 Special Standards. The following special standards shall apply:

- A. Residential uses shall be subject to a maximum density of 35 dwelling units per acre.
- B. Residential uses shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.

⁴Chapter 17.31 has an effective date of March 22, 2005.

- C. The residential uses are required to be developed prior to or concurrently with non-residential uses, with the exception of non-residential uses that are in existence as of the adoption of this R-4 Zone.
- D. Non-residential uses shall be subject to the following standards:
 - 1. Off-street parking will be based on the City parking standards.
 - 2. Building height shall not exceed 45'.
 - 3. Yard Setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Sides, none, except if abutting residential zones, and then the side yard shall be at least 10 feet.
 - (1) The required side yard shall be increased by ½ foot for each foot the building height exceeds 20 feet.
 - c. Rear, none, except if abutting residential zones, and then the rear yard shall be at least 10 feet.
 - (1) The required rear yard shall be increased by ½ foot for each foot the building height exceeds 20 feet.
 - 4. A maximum of 10,000 square feet per acre of non-residential uses listed in 17.31.030 shall be permitted; provided that a minimum of 20 dwelling units per acre are built prior to or in conjunction with these uses.
- E. No establishment situated within a R-4 zone shall exceed a size of ten thousand square feet, including building, storage, sales and off-street parking and loading areas, unless allowed as a part of an approved Planned Development.
- F. R-4 areas will be situated on either an arterial or collector street as indicated in the Transportation System Plan.
- G. Areas zoned R-4 shall normally be located on only one side of a street or on one corner of an intersection.
- H. Vehicular ingress and egress points shall be limited to one ingress point and one egress point. These points shall be a minimum of fifty feet from an intersection.
- I. All parking areas and service drives shall be hard surfaced and clearly marked.
- J. Off-street parking areas intended for five or more cars shall be provided with screening consisting of a fence, wall, hedge or similar sight-obscuring material.
- K. No more than one sign, not to exceed twenty-five square feet in area, shall be permitted for each commercial use. The sign shall be placed flat against the side of the building.

C-1 COMMERCIAL CENTRAL ZONE

Sections:

- 17.32.010 Purpose.
- 17.32.020 Uses permitted outright.
- 17.32.030 Conditional uses permitted.
- 17.32.040 Yards.
- 17.32.050 Building height.
- 17.32.060 Open storage.
- 17.32.070 Use of Residential Structures.
- 17.32.090 Exterior lighting

17.32.010 Purpose. The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of the City.

17.32.020 Uses permitted outright. In a C-1 zone, the following uses and their accessory uses are permitted outright:

- A. Two family dwellings, multi-family dwellings, and residential facilities shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.
- B. Parking lot;
- C. Family day care center;
- D. Community center;
- E. Bus depot, taxicab stand;
- F. Club, lodge, fraternal organization;
- G. Newspaper office, print shop;
- H. Motel, hotel, rooming/boarding house, bed and breakfast establishment;
- I. A commercial enterprise which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;
 - 2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building;
 - 3. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith;

4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;
 5. Eating or drinking establishments such as restaurant, tavern, or cocktail lounge;
 6. Office, business or professional;
 7. Financial institution, such as bank;
 8. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
 9. The City Manager shall determine whether a specific use is appropriate to a particular use group permitted in the C-1 zone. In considering a Development Plan Review permit for a commercial enterprise in the C-1 zone, the City Manager shall either approve the use, disapprove the use, or refer it to the Planning Commission for a decision. A decision may be appealed using procedures as specified in Section 17.12.090.
- J. Antique shop or second hand store; provided, all business, service, storage, sales repair and display shall be conducted entirely within an enclosed building.
- K. The following shall apply to single family dwellings and related accessory structures existing as of June 1996:
1. May be replaced within one year following fire or other catastrophic loss.
 2. May be maintained, altered, or enlarged, provided that such work shall not cause the structure to deviate further from or to exceed the yard, lot coverage and building height requirements of the R-1 zone.

17.32.030 Conditional uses permitted. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Church, nonprofit religious or philanthropic institution;
- B. Governmental structure or use of land;
- C. Public utility facility;
- D. Automobile service station; provided, that no major automobile repair, overhaul or reconstruction shall be permitted; and provided, further, that any incidental automobile repair shall be performed entirely within an enclosed building;
- E. Any use permitted in a C-1 zone with customer drive-in service facilities;
- F. Veterinarian office, animal hospital; provided, all animals shall be kept at all times within an enclosed building.
- G. Amateur radio antennas.
- H. Commercial radio stations and antennas.

17.32.040 Yards. Except as provided in Chapter 17.80 in a C-1 zone yards shall be as follows:

- A. A front yard abutting a residential zone shall be a minimum of twenty feet;
- B. A street side yard abutting a residential zone shall be a minimum of fifteen feet;
- C. A side or rear yard abutting a residential zone shall be a minimum of ten feet;
- D. Where a side or rear yard is not required and a structure is not to be erected at the

- property line, it shall be set back at least three feet from the property line.
- E. Setbacks for automobile service stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of fifteen feet from the property line separating the yard from the street.

17.32.050 Building height. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in a C-1 zone no building shall exceed a height of forty feet.

17.32.060 Open storage. In a C-1 zone, there shall be no open storage except as provided in Section 17.36.080 or as hereafter amended.

17.32.070 Use of Residential Structures. Use of residential structures in commercial zones. In C-1 zone, preexisting residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the City Manager approves a development plan for vehicular access and parking, signing and exterior lighting.

17.32.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

17.32.100 Use of residential structures in commercial zones. Preexisting residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the City Manager approves a development plan for vehicular access and parking, signing and exterior lighting.

Chapter 17.36

C-2 COMMERCIAL HIGHWAY ZONE

Sections:

- 17.36.010 Purpose.
- 17.36.020 Uses permitted outright.
- 17.36.030 Conditional uses permitted.
- 17.36.040 Limitation on uses.
- 17.36.050 Yards.
- 17.36.060 Lot coverage.
- 17.36.070 Building height.
- 17.36.080 Open storage.
- 17.36.090 Exterior lighting
- 17.36.100 Use of residential structures in commercial zones

17.36.010 Purpose. The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential for such activity as long as sufficient vehicular access control is maintained.

17.36.020 Uses permitted outright. In a C-2 zone, the following uses and their accessory uses are permitted outright:

- A. A use permitted outright in the C-1 zone; provided that:
 - 1. Two family dwellings, multi-family dwellings, and residential facilities shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.
 - 2. Limitations which apply to the conduct of activities in enclosed buildings in the C-1 zone shall not apply in the C-2 zone;
- B. Commercial enterprises with customer drive-in service facilities;
- C. Antique shop, second hand store;
- D. Automobile service station;
- E. Automobile, boat, truck, trailer sales, service, rental, display, storage and repair;
- F. Cabinet or similar woodworking shop;
- G. Cold storage plant, ice processing plant;
- H. Feed, seed store;
- I. Heavy equipment, implement, machinery sales, service, rental, display, storage and repair;
- J. Lumber, building materials sales and storage;

- K. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but excluding uses such as race track or automobile speedway;
- L. Plumbing, heating, electrical or paint contractors storage, sales or repair shop;
- M. Tire sales, repair shop;
- N. Truck terminal, freight depot;
- O. Warehouse, storage area;
- P. Wholesale establishment;
- Q. Rooming or boarding house;
- R. Bed and breakfast establishment.

17.36.030 Conditional uses permitted. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.36:

- A. Church, nonprofit religious or philanthropic institution;
- B. Governmental structure or use of land;
- C. Public utility activity;
- D. Veterinarian office, animal hospital;
- E. Single-family residence or mobile home meeting standards of Section 17.80.080(K);
- F. Machine and welding shops, sheet metal, wood, fiberglass manufacturing, and other similar uses.
- G. A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial establishment may be permitted accessory to the commercial use.
- H. Amateur radio antennas.
- I. Commercial radio stations and antennas.

17.36.040 Limitation on uses. In a C-2 zone, the following limitations shall apply to all uses permitted outright except two-family and multifamily dwellings:

- A. Before a zoning or building permit is issued involving construction, reconstruction, alteration or change of use of any piece of property, the City Manager shall approve a development plan for the property.
- B. The development plan shall show the locations of all existing and proposed buildings and structures, all parking areas and vehicular ingress and egress points, lighting, signs, screening, landscaping and such other data as may have a bearing on adjacent properties.
- C. In approving a development plan, the City Manager may impose conditions related to the location and number of vehicular ingress and egress points, limiting the size and location of signs and outdoor lighting, and the location and nature of landscaping and screening.
- D. A decision of the City Manager may be appealed to the Planning Commission, using procedures specified in Section 17.12.090.
- E. A Development Plan Review permit for a use covered by this section shall be issued only on the basis of the plan for the use as approved through procedures specified in this section.

17.36.050 Yards. Except as provide in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in a C-2 zone yards shall be as follows:

- A. The front yard shall be a minimum of twenty feet;
- B. The street side yard shall be a minimum of twenty feet;
- C. A side or rear yard abutting a residential zone shall be a minimum of ten feet;
- D. No building shall be located closer than fifty feet from a centerline of a street other than an alley.
- E. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- F. Setbacks for automobile service stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of fifteen feet from the property line separating the yard from the street.

17.36.060 Lot coverage. In a C-2 zone, buildings shall not occupy more than fifty percent of the lot area.

17.36.070 Building height. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, no building shall exceed a height of thirty-five feet.

17.36.080 Open storage. Notwithstanding and in addition to any other provision of the zoning title relating to the C-1 and C-2 zones, there shall be no open storage on property in the C-1 and C-2 zones at any business or upon other property excluding residences without first obtaining an annual open storage permit from the City which may charge a reasonable fee for the permit. The City shall promulgate rules, guidelines and standards, passed by ordinance, to carry out and enforce the provisions of this section. Said ordinance can be amended as other ordinances are amended by the City.

17.36.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

17.36.100 Use of residential structures in commercial zones. Preexisting residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the City Manager approves a development plan for vehicular access and parking, signing and exterior lighting.

C-3 COMMERCIAL NEIGHBORHOOD ZONE

Sections:

- 17.40.010 Purpose.
- 17.40.020 Uses permitted outright.
- 17.40.030 Conditional uses permitted.
- 17.40.040 Special standards.

17.40.010 Purpose. The purpose of the C-3 zone is to provide areas suitable and desirable for retail and service enterprises which are appropriate to meet the convenience shopping needs of people living within the immediate surrounding area. Areas designated for this purpose are intended to be extremely limited in size. They should be spaced at intervals of at least one-half mile from each other in order to assure their compatibility with surrounding areas and that the areas will be developed and maintained at a suitable neighborhood scale.

17.40.020 Uses permitted outright. In a C-3 zone, the following uses and their accessory uses shall be permitted outright:

- A. A use permitted outright in an R-3 zone;
- B. Food store;
- C. Drug store;
- D. Variety store;
- E. Barber or beauty shop;
- F. Laundromat, clothes cleaning establishment;
- G. Indoor snack bar, if accessory to, and an internal part of, a drug or variety store;
- H. Rooming or boarding house;
- I. Bed and breakfast establishment.

17.40.030 Conditional uses permitted. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80:

- A. Church, nonprofit religious or philanthropic institution;
- B. Community center;
- C. Governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an enclosed building. No workshop areas shall be permitted;
- D. Office, business or professional, but not including veterinarian.

17.40.040 Special standards. In a C-3 zone, the following special standards shall apply:

- A. Residential uses shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone;
- B. Uses other than residential shall be subject to the yard, lot coverage, building height and off-street parking requirements of the C-2 zone;
- C. The maximum size of any C-3 zoned area shall be two acres. No establishment situated within a C-3 zone shall exceed a size of ten thousand square feet, including building, storage, sales and off-street parking and loading areas;
- D. Areas zoned C-3 shall be located no closer than one-half mile to each other;
- E. Areas zoned C-3 shall be situated on either an arterial or collector street as indicated on the City Comprehensive Plan;
- F. Areas zoned C-3 shall normally be located on only one side of a street or on one corner of an intersection;
- G. Vehicular ingress and egress points to each use of property in a C-3 zone shall be limited to one ingress point and one egress point. These points shall be a minimum of fifty feet from an intersection and shall be approved by the City Manager prior to issuing of a zoning or a building permit;
- H. All parking areas and service drives shall be permanently surfaced and clearly and permanently marked;
- I. Off-street parking areas intended for five or more cars shall be provided with screening consisting of a fence, wall, hedge or similar sight-obscuring material installed within six months of completion of the parking area shall be maintained in good condition;
- J. No more than one unlighted or lighted sign, not to exceed twenty-five square feet in area, shall be permitted for each commercial use in a C-3 zone. The sign shall be placed flat against the side of the building.

M INDUSTRIAL ZONE

Sections:

- 17.44.010 Purpose.
- 17.44.020 Uses permitted outright.
- 17.44.030 Conditional uses permitted.
- 17.44.040 Limitation on use.
- 17.44.050 Yards.
- 17.44.060 Lot coverage.
- 17.44.070 Building height.

17.44.010 Purpose. The purpose of the M zone is to provide areas suitable and desirable for all types of industrial activity; provided, that development controls are utilized to minimize possible harmful effects related to air and water pollution and to potential nuisance hazards such as fire, explosion or noise. The M zone is appropriate in those areas possessing site characteristics suitable for industry, such as good access to highway and rail facilities, readily available water and sewer systems, level and well drained sites, and little or no potential hazard to nearby residential or commercial areas.

17.44.020 Uses permitted outright. In an M zone, the following uses and their accessory uses are permitted outright:

- A. Truck terminal, freight depot;
- B. Wholesale establishment;
- C. A use involving manufacture, research, warehousing, assembly, processing or fabricating, except the following:
 - 1. A use listed as a conditional use in the M zone,
 - 2. A use which has been declared a nuisance by statute, ordinance or a court of competent jurisdiction.
- D. Amateur radio antennas.
- E. Commercial radio stations and antennas.

17.44.030 Conditional uses permitted. In a M zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Manufacturing and related uses including:
 - 1. Cement, lime or similar products manufacture,
 - 2. Explosives storage or manufacture,
 - 3. Petroleum products manufacture or refining,
 - 4. Pulp mill,

- 5. Rendering plant, tannery, slaughterhouse,
 - 6. Smelting, refining of metallic ore,
 - 7. Other uses similar to the above which may possess characteristics injurious to public health and safety due to emission of smoke, noise, dust, odor, refuse, fumes, vibration or similar hazard.
- B. Airport;
 - C. Automobile wrecking yard, junkyard;
 - D. Public utility or safety facility;
 - E. Retail sales or repair when secondary to the outright use;
 - F. Heavy equipment repair;
 - G. Feed, seed store;
 - H. Plumbing, heating, electrical or paint contractor's storage, sales or repair shop;
 - I. Controlled recreation.
 - J. A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the industrial establishment may be permitted accessory to the industrial use.

17.44.040 Limitation on use. Uses permitted outright involving manufacture and all conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, the Mid-Willamette Valley Air Pollution Authority, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

17.44.050 Yards. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in an M zone yards shall be as follows:

- A. The front yard shall be a minimum of twenty feet;
- B. The street side yard shall be a minimum of twenty feet;
- C. A side or rear yard abutting a residential zone shall be a minimum of twenty feet;
- D. No building shall be located closer than fifty feet from a centerline of a street other than an alley.
- E. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

17.44.060 Lot coverage. In an M zone, buildings shall not occupy more than fifty percent of the lot area.

17.44.070 Building height. Except as provided in Chapter 17.80 and Sections 17.08.030 through 17.08.130, in an M zone building heights shall not be restricted. However, all buildings exceeding thirty-five feet in height to be constructed or substantially altered or extended shall meet all applicable state of Oregon and City standards related to public safety and fire protection.

17.44.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

PD PLANNED DEVELOPMENT ZONE

Sections:

- 17.48.010 Purpose.
- 17.48.020 Establishment in combination with the underlying zone.
- 17.48.030 Standards and Requirements.
- 17.48.040 Application.
- 17.48.050 Review Criteria.
- 17.48.060 Action by the Planning Commission.
- 17.48.070 Changes to approved plans.
- 17.48.080 Effective Date of Development Plan Approval.
- 17.48.090 Noncompliance with the Approved Development Plan

17.48.010 Purpose. The purpose of Planned Development Zone is to make possible a greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while insuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this ordinance.

17.48.020 Establishment in combination with the underlying zone. A PD zone is an overlay zone that can be applied in conjunction with any other zone designation. Although this overlay designation permits modifications to the site development standards of the underlying zone standards, it does not permit changes in uses specified by the underlying zone. The following sub-sections allow for Planning Commission review of a detailed development plan. When a Planned Development project is proposed without a Planned Development Zone designation, the Official Zoning Map shall be amended with a Planned Development overlay designation for the subject development site.

17.48.030 Standards and Requirements. Approval of a request for a Planned Development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

- A. A use permitted in an underlying zone may be permitted in a Planned Development.
- B. A Planned Development must meet the applicable requirements of Oregon Revised Statutes for planned developments.
- C. Public and private streets shall be developed to City standards.
- D. Pedestrian walkways and bikeways shall be provided for adequate internal pedestrian and bicycle traffic and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors, or public trails.
- E. All utility facilities shall be installed underground and in accordance with City standards.

- F. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses, and other recreational facilities, but does not include streets, sidewalks, bikeways, access corridors, or trails.
- G. A facility providing services in support of uses within a Planned Development may be permitted in any zone within the Planned Development. Services in support may include such services as housekeeping, landscape maintenance, security, meeting rooms, clubhouses, swimming pools, tennis courts, catered food service facilities, parking, offices, and related facilities for staff, administrators, owners associations, and owners and their guests.
 - 1. Provisions shall be made to buffer these uses from incompatible uses or adjoining properties.
- H. Phases, if proposed, shall be:
 - 1. Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
 - 2. Arranged to avoid conflicts between higher and lower density development;
 - 3. Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
 - 4. Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.

17.48.040 Application. The person filing the application must be the owner, or their agent. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners of the separately owned properties to be included.

- A. Application Requirements:
 - 1. One copy of the narrative on 8.5" by 11" sheets; and
 - 2. Four sets of scaled drawings of the conceptual development plan, with sheet size not to exceed 24" by 36". Where necessary, an overall plan with additional detail sheets may be submitted; and
 - 3. One set of the development plan shall be reduced to fit on 8.5" by 11" sheets of paper. Names and numbers must be legible on this sheet size.
 - 4. After the application is accepted as complete, any revisions may require a new application, additional filing fees, and rescheduling of the public hearing.
- B. Development Plan Required: All applications shall be accompanied by a Development Plan drawn to scale showing the following:
 - 1. Use or uses,
 - 2. Dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, open spaces, including landscaping.
 - 3. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses.

4. Such other pertinent information shall be included as may be considered necessary by the Approval Authority to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and the Subdivision Ordinance.
- C. Narrative Requirements: A written statement shall include the following information:
1. A description of the character of the proposed development;
 2. Analysis of how the application meets the review criteria;
 3. Intentions with regard to ownership in the Planned Development;
 4. Quantitative data for the following where appropriate:
 - a. Total number and type of dwelling units;
 - b. Parcel sizes;
 - c. Proposed lot coverage of buildings and structures where known;
 - d. Gross densities per acre;
 - e. Total amount of open space;
 - f. Total amount of nonresidential construction.
 5. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements;
 6. Statement describing project phasing, if proposed.

17.48.050 Review Criteria: Requests for approval of a Planned Development shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.

- A. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable:
 1. Basic site design, including the organization of uses on a site;
 2. Visual elements (scale, structural design and form, materials, and so forth);
 3. Noise reduction;
 4. Noxious odors;
 5. Lighting;
 6. Signage;
 7. Landscaping for buffering and screening;
 8. Traffic;
 9. Effects on off-site parking; and
 10. Effects on air and water quality.
- B. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and their ability to carry out the project as proposed.
- C. Construction can begin within six months of the conclusion of any necessary action by the City, or within such longer period of time as may be established by the Planning Commission.
- D. The proposal conforms with location and general development standards of the City.
- E. The project will benefit the City and the general public in terms of need, convenience, service and appearance so as to justify any necessary variances to the regulations of the Zoning and Subdivision Ordinance.

- F. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required on or off site.
- G. The project will satisfactorily take care of sewer and water needs consistent with City policy and plans.
- H. A Planned Development in a Residential Zone will not result in a higher density than permitted by the Comprehensive Plan for the underlying zone.

17.48.060 Action and findings by Planning Commission . The Planning Commission shall conduct a public hearing in accordance with SHMC 17.12. Following the close of the hearing the Planning Commission shall either approve, conditionally approve, or deny the Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria. A Planned Development as authorized shall be subject to all conditions imposed and shall be varied from other provisions of this ordinance only to the extent specified in the approval.

17.48.070 Changes to approved plans. An applicant may petition for review of an approved Development Plan for the purpose of modifying that plan. The petition must include a statement of the reasons for any changes, as well as graphical and text representations of the proposed changes.

- A. Major Changes: When determined by the Community Development Director that the proposed change is a Major change from one or more of the review criteria listed above, a hearing with notice as required in SHMC 17.12 shall be scheduled before the Planning Commission. In reviewing the proposed modification, the Planning Commission shall follow the procedure required for submittal and review of a new plan. The Planning Commission may consider the redesign of the development plan in whole or in part.
- B. Minor Changes: When the Community Development Director determines that proposed modifications of a plan reduce negative effects or have no effect on the surrounding area, they may be reviewed and approved as an administrative action.

17.48.080 Effective Date of Development Plan Approval. The following effective dates apply to a Planned Development approval. The Planning Commission may establish different time frames.

- A. Construction must begin within 6 months of the conclusion of any necessary action by the City.
- B. Approval of a Development Plan shall be valid for a 3-year period from the date of approval without documented progress to complete implementation of an approved Development Plan.
- C. The Planning Commission may permit implementation of the Development Plan in phases.
- D. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed 2 additional years.

17.48.090 Noncompliance with the Approved Development Plan. If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer, Code Enforcement Officer and the Building Official in writing. Enforcement of the approved development plans will proceed under the available processes.

Chapter 17.60

RC RECREATION COMMERCIAL ZONE

Sections:

- 17.60.010 Purpose.
- 17.60.020 Uses permitted outright.
- 17.60.030 Conditional uses permitted.
- 17.60.040 Special standards.
- 17.60.050 Development Plan Review.

17.60.010 Purpose. The purpose of the RC zone is to provide and maintain areas which possess unique characteristics for recreation-related commercial and residential development, and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard is essential in order to maintain and enhance the appearance of the area and its unique value to the community.

17.60.020 Uses permitted outright. In a RC zone, the following uses and their accessory uses are permitted outright:

- A. Motel, Hotel, or Resort;
- B. Recreational Vehicle Park;
- C. Recreational Vehicle Park with Owner Time Share;
- D. Museum or art gallery;
- E. Community center, meeting facility, convention center, or similar use;
- F. Residential uses related to or in conjunction with a recreational development.
- G. Eating and drinking establishment;
- H. Bed and breakfast establishment;
- I. Recreational retail;
- J. Arts and crafts workshops and retail sales;
- K. Amusement or recreation services;
- L. Recreational teaching facilities;
- M. Single-family dwellings on legal lots of record at the time of enactment of this ordinance;
- N. Residential facilities.

17.60.030 Conditional uses permitted. In a RC zone, the following uses and their accessory uses may be permitted as a part of a Planned Development (PD), or subject to the provisions of this section and Chapter 17.80:

- A. Aggregate extraction;
- B. Light industrial uses;
- C. Recreation oriented uses or activities not listed above;
- D. Residential uses not related to or in conjunction with a recreational development;

- E. Public storage facility;
- F. Non-recreational retail;
- G. Governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an enclosed building.

17.60.040 Special standards. In a RC zone, the following special standards shall apply unless modified as a part of a Planned Development.

- A. Single Family Dwellings and accessory uses shall meet the following minimum standards:
 - 1. Minimum lot size shall be 8,000 square feet;
 - 2. Minimum lot width shall be 80 feet;
 - 3. Minimum Yard Setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum 5 feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet,
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors;
 - e. Rear shall be a minimum of 15 feet.
 - 4. Building height shall not exceed 30 feet.
 - 5. Building coverage shall not exceed 35 percent of the land area.
 - 6. A carport or garage is required.
 - 7. Off-street parking will be based on the City parking standards.
- B. Two Family Dwellings and accessory uses shall meet the following standards:
 - 1. Minimum lot size shall be 5,000 square feet;
 - 2. Minimum lot width shall be 60 feet;
 - 3. Minimum Yard Setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum of 5 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors;
 - e. Rear shall be a minimum of 10 feet.
 - 4. Building height shall not exceed 40 feet.
 - 5. Building coverage shall not exceed 50 percent of the land area.
 - 6. A carport or garage for each unit is required.
 - 7. Off-street parking will be based on the City parking standards.
- C. Multifamily Dwellings and accessory uses shall meet the following standards:
 - 1. Minimum lot size shall be 1,245 square feet per unit;
 - 2. Minimum Yard Setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Side shall be a minimum 10 feet;
 - c. Street side shall be minimum of 15 feet;

- d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors;
 - e. Rear shall be a minimum of 10 feet.
 - 3. Building height shall not exceed 40 feet.
 - 4. Building coverage shall not exceed 60 percent of the land area.
 - 5. Off-street parking will be based on the City parking standards.
- D. Single Family Attached Dwellings shall meet the following standards:
 - 1. Minimum lot size shall be 1,245 square feet per unit;
 - 2. Minimum Yard Setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Sides between units shall be zero;
 - c. Sides on exterior boundaries shall be 5 feet;
 - d. Street side shall be a minimum of 15 feet;
 - e. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors;
 - f. Rear shall be a minimum of 10 feet.
 - 3. Building height shall not exceed 40 feet.
 - 4. Building coverage shall not exceed 60 percent of the land area.
 - 5. Off-street parking will be based on the City parking standards.
- E. Commercial establishments shall meet the following standards:
 - 1. Off-street parking will be based on the City parking standards.
 - 2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 - 3. Building height shall not exceed 45'.
 - 4. Yard Setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Sides, none, except if abutting residential zones, and then the side yard shall be at least 10 feet.
 - (1) The required side yard shall be increased by ½ foot for each foot the building height exceeds 20 feet.
 - c. Rear, none, except if abutting residential zones, and then the rear yard shall be at least 10 feet.
 - (1) The required rear yard shall be increased by ½ foot for each foot the building height exceeds 20 feet.

17.60.050 Development Plan Review. In the RC Zone, submittal of a plan for development on a specific piece of property shall comply with the following:

- A. The site plan, with proposed land uses, shall include accurate measurements from property lines to and between all structures.
- B. Building types, with approximate dimensions should be submitted. The plans should indicate the general height, bulk and appearance of buildings.
- C. Vehicular and pedestrian access and circulation must be include on the plan.

- D. The configuration, including a count and size of all spaces and aisle widths, of all parking areas should be included.
- E. Existing natural features such as streams, riparian zone, wetlands, and topography must be shown before construction and include proposed impacts to the natural resources.
- F. Proposals for landscaping, fencing, or other barriers should be included on the plan.
- G. Proposals for the location, size, height and lighting of signs should be submitted.
- H. Proposals for the provision of water, fire suppression, sewage, storm drainage, exterior lighting, and solid waste must be submitted.

Chapter 17.68

R/M(T) RESIDENTIAL INDUSTRIAL TRANSITIONAL ZONE

Sections:

- 17.68.010 Purpose.
- 17.68.020 Establishment.
- 17.68.030 Uses permitted.
- 17.68.040 Conditional uses permitted.
- 17.68.050 Limitations.

17.68.010 Purpose. The R/M(T) zone is a transitional zone which provides a process that allows for the consideration of converting property in a residential area to industrial uses (e.g., sites for small industry, expansion to existing industry, etc.). It is not the intent of the zone to allow industrial development to occur at the cost of existing residential development. Industrial development should be allowed only when measures have been taken to protect remaining residential property from nuisances which may result from industrial activities (i.e., noise, smoke, odor, dust, fire or explosion hazard, or pollution of air and water). In order to protect existing residential development from potential industrial nuisances and to facilitate an orderly and efficient conversion of land from residential to industrial uses, it is intended that all industrial uses in the zone shall be subject to conditional use process.

17.68.020 Establishment. An R/M(T) zone may be applied to any residential zoned neighborhood area which is adjacent to industrial zoned land, and has been designated industrial by the City Comprehensive Plan.

17.68.030 Uses permitted. In an R/M(T) zone, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling;
- B. Residential facility.

17.68.040 Conditional uses permitted. In the R/M(T) zone, all uses allowed in the industrial zone and accessory uses may be permitted subject to the provisions of this section and Chapter 17.80. In addition, rooming and boarding houses shall be permitted subject to the provisions of this chapter and Chapter 17.80.

17.68.050 Limitations.

- A. Single-family dwellings and residential facilities shall be subject to the standards of the
- B. R-1 zone except building size for which R-2 standards shall apply.
- C. Uses permitted conditionally involving manufacture shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of

Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by appropriate regulatory agencies.

- D. All industrial uses shall be subject to the yard lot coverage and building height standards of the M zone.
- E. Mobile homes shall be allowed on single lots based upon the standards of the mobile home combining zone.

Chapter 17.72

NR NATURAL RESOURCES ZONE

Sections:

- 17.72.010 Purpose.
- 17.72.020 Establishment.
- 17.72.030 Applicability.
- 17.72.040 Activities Subject to Review.
- 17.72.050 Exceptions in the Riparian Zone.
- 17.72.060 Agency Review.
- 17.72.070 General Development Standards.
- 17.72.080 Variances.
- 17.72.090 Mitigation Standards.
- 17.72.100 Plan Amendment Option.

17.72.010 Purpose. The NR zone is designed to protect identified significant natural resources in the City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources.

17.72.020 Establishment. A NR zone is an overlay zone that can be applied in conjunction with any other zone designation. The NR zone is applied to natural resource areas identified in this ordinance.

17.72.030 Applicability. The procedures and requirements of the NR Zone apply to any parcel designated as having one of the following identified natural resources:

- A. Significant wetlands, as mapped in the City's *Local Wetlands Inventory (LWI)*.
- B. Riparian Corridors, as mapped in the City's *Riparian Inventory*.

17.72.040 Activities Subject to Review. In a NR zone, the following actions are subject to the review:

- A. New structural development.
- B. Exterior expansion of any building or structure.
- C. Increases in impervious surfaces or storage areas.
- D. Grading, excavation or fill.
- E. Removal of native vegetation.

17.72.050 Exceptions in the Riparian Zone. The following activities may be excepted from the requirements of this Chapter upon administrative review approval that they are designed to meet the standards listed in this Chapter.

- A. Drainage facilities, utilities, and irrigation pumps.
- B. Streets, roads, driveways, or paths.
- C. Water-related and water-dependent uses.
- D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- E. Removal of non-native vegetation and replacement with native plant species.
- F. Alteration of the area by placement of structures or impervious surfaces within the Riparian Zone upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures, providing that the alterations not exceed 50% of the width of the riparian area, measured from the upland edge of the Zone.

17.72.060 Agency Review. Decisions made by the City of Sweet Home under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question.

- A. It is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained.
- B. The City will notify the Division of State Lands for development permits and other land use decisions affecting inventoried wetlands.

17.72.070 General Development Standards. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the *Local Wetlands Inventory* and *Riparian Inventory Maps*. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property.

A.

Natural Area	Width of Vegetated Corridor, per side
South Santiam River	75'
Ames Creek and Wiley Creek	50'

- B. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two year event.
- C. For an exception to be allowed, the applicant shall comply with the following requirements:
 - 1. Demonstrate that no other practicable access to the buildable area exists.
 - 2. Design roads, driveways, and paths to be the minimum width necessary while allowing for safe passage of vehicles and/or pedestrians.
 - 3. Consider the need for future extensions of shared access, access easements, or private streets in order to avoid subsequent encroachments into a significant natural resource.

4. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within a significant natural resource.
 5. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering a significant natural resource.
 6. Utilities and drainage facilities: Public and private utilities or drainage facilities may be placed when it is shown that no other practicable alternative location exists. If a utility or drainage facility is allowed the following standards shall apply:
 - a. Demonstrate that no other practicable access exists;
 - b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into a significant natural resource.
 - c. Removal of trees and native vegetation shall be avoided unless absolutely necessary. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - d. The existing grade of the land shall be restored after construction.
 - e. No stockpiling of fill materials, parking, or storage of equipment shall be allowed within a significant natural resource.
 7. Structures or other non-conforming alterations existing fully or partially within a significant Natural Resource may be expanded provided the expansion occurs outside of a significant natural resource. Substantial improvement of a non-conforming structure in a significant natural resource shall require compliance with the standards of this ordinance.
 8. Existing lawn within a significant natural resource may be maintained, but not expanded within the limits of a significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.
- D. Removal of non-native vegetation and replacement with native plant species is allowed and shall comply with the following requirements .
1. The replacement vegetation shall at a minimum,
 - a. Cover the area from which vegetation was removed,
 - b. Maintain or exceed the density of the removed vegetation, and
 - c. Maintain or improve the shade provided by the vegetation.
- E. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Community Development Director.
- F. The control or removal of nuisance plants should primarily be by non-chemical means (e.g. hand-pulling).
1. If non-chemical means fail to adequately control nuisance plant populations, a glyphosate based herbicide, or other environmentally safe herbicide, may be used.
 2. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used.
 3. Herbicide applications must be applied according to manufactured specifications.

17.72.080 Variances. A variance to the provisions of this Chapter may be applied for to consider hardships, claims of map errors verified by DSL, and when necessary to allow reasonable economic use of the subject property. Permanent alteration of the significant natural resource by an action requiring a Variance is subject to the Mitigation procedures and criteria of this Chapter.

17.72.090 Mitigation Standards. When impacts to any identified significant natural resource occur, mitigation will be required.

- A. For impacts to wetlands the following standards and criteria shall apply:
 - 1. The applicant must obtain a fill and removal permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers.
 - 2. The applicant must provide an approved mitigation plan that complies with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations.
- B. For impacts to riparian corridors, the following standards and criteria shall apply:
 - 1. A mitigation plan prepared by a qualified professional shall be submitted to the City. The mitigation plan shall meet the following criteria:
 - a. Mitigation for impacts to a non-wetlands riparian area shall require a minimum mitigation area ratio of 1:1;
 - b. The mitigation plan shall document
 - (1) the location of the impact,
 - (2) the existing conditions of the resource prior to impact,
 - (3) the location of the proposed mitigation area,
 - (4) a detailed planting plan of the proposed mitigation area with species and density, and
 - (5) a narrative describing how the resource will be replaced.
 - 2. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact.
 - 3. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity.
 - 4. Trees shall be planted at a density of not less than 5 per 1000 square feet. Shrubs shall be planted at a density of not less than 10 per 1000 square feet.

17.72.100 Plan Amendment Option. Any owner of property affected by the NR Zone may apply for a Zone amendment. The amendment must be based on a specific development proposal. The effect of the amendment would be to remove the NR Zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with Oregon Administrative Rules. If the application is approved, then the ESEE analysis shall be incorporated by reference into the applicable Sweet Home Inventory, and the Maps shall be amended.

- A. The ESEE analysis shall adhere to the following requirements:
1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Sweet Home City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource.
 2. The ESEE analysis must demonstrate why the use cannot be located on land outside of the natural resource area.
 3. The ESEE analysis shall be prepared by qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.

Chapter 17.80

CONDITIONAL USES

Sections:

- 17.80.010 Purpose.
- 17.80.020 Authorization of Planning Commission.
- 17.80.030 Procedure to taking action on a conditional use application.
- 17.80.040 Building and zoning permits for an approved conditional use.
- 17.80.050 Time limits on an approved conditional use application.
- 17.80.060 Termination on a conditional use.
- 17.80.070 Limitation.
- 17.80.080 Standards governing conditional uses.

17.80.010 Purpose. A conditional use is use of land or a structure which is normally appropriate, desirable or necessary in a zone where it is permitted, but which, by virtue of a feature of that use, could create a problem within the area such as excessive height or bulk congestion or a potential nuisance or health or safety hazard. It is the intent of this section to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood and the City are safeguarded.

17.80.020 Authorization of Planning Commission. Conditional uses listed in this chapter may be permitted, altered or enlarged upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Chapter 17.80, excepting that subsections B and C of this section will not apply to review of applications for mobile home parks.

- A. In taking action of a conditional use permit application, the Planning Commission may either approve or deny the application.
- B. If an application is denied, the action must be based on reasons related to the appropriate development and best interests of the surrounding area or the City as a whole, considering such items as the bulk, coverage or density of the proposed development, the availability of public utilities and facilities, the generation of traffic or similar matters.
- C. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interests of the surrounding property or the City as a whole. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the height of buildings;
 - 3. Controlling the location and number of vehicle access points;
 - 4. Increasing the street width set by statute;
 - 5. Increasing the number of required off-street parking spaces;

6. Limiting the number, size, location and lighting of signs;
 7. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space or outdoor recreation areas;
 9. Requiring ongoing maintenance of buildings and grounds;
 10. Regulating noise, vibration, odors and similar factors which may have a negative affect on the development of the surrounding area or the City as a whole;
 11. Regulating time periods for the conduct of certain activities;
 12. Setting a time limit for which the conditional use is approved.
- D. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirements for conditional use.
- E. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contracted arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.
- F. The Planning Commission may require that the applicant for a conditional use enter into a contractual agreement with the City to assure that the applicant will provide its share of the development costs for streets, curbs, gutters, sidewalks and water and sewer facilities to City standards.

17.80.030 Procedure for taking action on a conditional use application. The procedure for taking action on an application for a conditional use shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application with the City Manager, using forms prescribed pursuant to Section 17.12.100. A filing fee in accordance with the provisions of Section 17.12.110 shall accompany an application for a conditional use.
- B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of Sections 17.12.120 and 17.12.130.
- C. Within five days after a decision has been rendered with reference to a conditional use application, the City Manager shall provide the applicant with written notice of the decision of the Planning Commission.

17.80.040 Building and zoning permits for an approved conditional use. Building and zoning permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

17.80.050 Time limit on an approved conditional use application. Authorization of a conditional use shall be void one year after the date of approval of a conditional use application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place or the plan approved by the Planning Commission has been implemented. However, upon written request, the Planning Commission may extend authorization for an additional period not to exceed one year.

17.80.060 Termination of a conditional use. A conditional use may be revoked or modified by the Planning Commission after public hearing, on any one or more of the following grounds:

- A. Approval of the conditional use was obtained by fraud or misrepresentation;
- B. The use for which approval was granted has ceased to exist;
- C. The use does not meet the conditions specifically established for it at the time of approval of the application;
- D. The use is in violation of any provision of this title or any other applicable statute, ordinance or regulation.

17.80.070 Limitation. No request for a conditional use shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, except the Planning Commission may consent to a new evidence or a change of circumstances warrant it.

17.80.080 Standards governing conditional uses. In addition to the standards of the zone in which the conditional use is located and the other standards of this title, conditional uses shall meet the following standards:

- A. Except where a conditional use occupies an existing building, in all residential zones yard requirements for conditional uses shall be a minimum of one foot for each one and one-half feet of building height, or the yard requirement specified for the zone, whichever requirement is greater.
- B. Standards for governmental structures or uses of land and for public utility facilities such as electric substation or transformer, public or community domestic water supply reservoir or substation, radio or television tower or transmitter, telephone exchange, school bus garages, shops and storage yard or similar governmental or utility structure or use of land:
 - 1. In a residential zone, all equipment and material storage shall be within an enclosed building;
 - 2. Workshops shall not be permitted in a residential zone;
 - 3. Public utility facilities and storage areas shall be screened and provided with landscaping;
 - 4. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent or nearby property.
- C. Standards for a Manufactured Home Park. A manufactured home park may be permitted as a conditional use providing it meets the minimum standards for a manufactured home park in the R-2 zone, Oregon Revised Statute, and any other applicable laws.

- D. Standards for a second-hand store or an antique shop located within the C-1 zone: all aspects of the business, including storage, displays, sales, rental, repair or other handling of products, merchandise, equipment and other articles shall be contained within a completely enclosed building.
- E. Standards for Day Nursery, Kindergarten, Preschool or Similar Facility.
1. At least fifty square feet of outdoor play area per child shall be provided;
 2. A sight-obscuring fence between four and six feet in height shall be provided to separate the outdoor play area from abutting residential property;
 3. The required outdoor play area shall not be located within a required front or street side yard.
- F. Standards for Auto Wrecking Yard or Junkyard.
1. The auto wrecking yard or junkyard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition and not less than six feet in height;
 2. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business;
 3. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall take place either within an enclosed building within the fenced area. All truck loading and unloading shall take place within the fenced area. When the auto wrecking yard or junkyard is located within two hundred feet of a residential or commercial zone or a state highway, view-obscuring screening shall be provided. The screening shall consist of a continuous fence supplemented with landscape planting or continuous fence supplemented with landscape planting or continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the auto wrecking yard or junkyard from view. The screening shall be maintained in good condition.
- G. Standards for Solid Waste Disposal Transfer Stations.
1. All solid waste disposal transfer stations shall meet the regulations and standards of the Oregon State Health Division, the Mid-Willamette Valley Air Pollution Authority, the Department of Environmental Quality and any other appropriate jurisdiction. Proof of meeting the standards of the above listed agencies shall be submitted to the City on or before the public hearing date for approval of the conditional use permit;
 2. Solid waste disposal transfer stations shall be fenced to prevent blowing paper and debris and to control access;
 3. All areas used as part of the transfer station operation shall be a minimum of one hundred feet from any state highway or residential or commercial zone;
 4. Hours of operation shall be established, shall be clearly indicated on the property and shall be limited between six a.m. and nine p.m. In times of emergency, operating times may be waived by the City Manager;
 5. The operation shall be conducted so as to prevent seepage and to facilitate transfer of waste to a solid waste disposal area;

6. When a solid waste disposal transfer station is within two hundred feet of a residential or commercial zone or a state highway, view-obscuring fencing shall be provided. The screening shall consist of a continuous fence supplemented with landscape planting, or a continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the transfer station from view. The screening shall be maintained in good condition;
 7. Access to the transfer station shall be by a well-maintained all-weather road.
- H. Standards for Excavation and Processing of Rock, Sand, Gravel or Other Earth Product.
1. Water Pollution. Contamination or impairment of the ground water table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality;
 2. Air Pollution Control. Control of air, dust, odors and other pollutants shall be subject to the laws, rules and regulations of the Department of Environmental Quality;
 3. Excavation. Excavation made to a water producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality;
 4. Access Roads. All access to the site shall be by a route approved by the Planning Commission upon recommendation by the City Manager;
 5. Control of Operation Time. Operation times shall be limited from four-thirty a.m. to nine-thirty p.m., except for such activities as office operations, machinery repair and equipment upkeep. However, in time of public or private emergency, as determined by the City Manager, the operating time limits shall be waived;
 6. Application. An application for a conditional use permit for the excavation and processing of rock, sand, gravel or other earth product shall, in addition to other information as required by this title, include the following:
 - a. An accurate plot plan showing the exterior boundaries of the property on which the operation is proposed to be located, and the location of any existing or proposed structures, roads or other improvements,
 - b. A plan for the rehabilitation and use of the site after the resources have been removed. This plan shall be consistent with the land use planning policies of the City. The plan shall be prepared at a scale of not less than one inch to four hundred feet, with topographic contour intervals of not less than five feet;
 7. Approval of Conditional Use Permit. In addition to the requirements of Chapter 17.80 of this title the Planning Commission may prescribe additional restrictions or limitations when granting a conditional use permit for a proposed site. The Planning Commission may prescribe such additional conditions as it deems necessary to fulfill the purpose and intent of this title after finding that such conditions are necessary for the public health, safety or general welfare, or to protect persons working or residing in the area, or to protect property or

improvements in the area, or to protect the aesthetic qualities of the area, or to protect the environmental quality of the area;

8. Standards for Rehabilitation and Restoration of the site.
 - a. The land owner shall be responsible for the eventual restoration of the site as described in the plan submitted with the permit application,
 - b. Upon exhaustion or economic abandonment of the mineral resources contained at the site under permit, the landowner shall have a reasonable time to rehabilitate and restore the site in accordance with the plan submitted with the permit application. In the event the land owner does not comply with the restoration plan, the City Council shall have the power to order the City to make the required rehabilitations and restorations; and the chargeable cost of this work, if not paid by the landowner, shall become a prior lien on the property as described in the permit application,
 - c. Except for buildings or structures which are permitted uses in the zone in which the site is located, upon exhaustion of the mineral resources contained at the site under permit, all buildings, equipment, apparatus and appurtenances accessory to the mining operations shall be removed from the site unless an extension is granted by the Planning Commission. However, such grant of additional time shall not authorize a delay in the restoration of those portions of the property under permit and not affected by such extension,
 - d. All excavations not to water-producing depth shall be backfilled and contoured, or a use shall be made of the property which has been shown on the restoration plan and is compatible with the final depth and slope of the excavation site. Those excavations made to water producing depth shall be of sufficient depth to prevent occurrence of stagnation and insect breeding grounds,
 - e. Topsoil shall be replaced to the depth that occurred on the site at the time of original excavation or to a sufficient depth to allow landscaping material to be installed,
 - f. When appropriate, the Planning Commission may specify a schedule of rehabilitation for portions of the property as their use for sand and gravel resource operations is completed or terminated. The schedule shall be considered part of the rehabilitation or restoration plan.

I. Temporary Dwelling Unit for Medical Hardship Purposes.

1. Purpose. Dwelling units may be allowed as an accessory use to a permitted residence in order to alleviate a medical hardship. A bona fide medical hardship shall be substantiated by a statement from the attending physician that the dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention and who would otherwise be required to receive needed attention from a hospital or care facility. Tenancy of the dwelling unit shall be confined to a member or members of the property owner's immediate family or a person (and immediate family) who is directly responsible for care of the owner or members of the owner's immediate family.

2. Conditions of Approval. Every temporary dwelling unit shall comply with the following standards:
 - a. The placement of the temporary dwelling unit on the property is valid only for the owner(s) of the property. The dwelling unit shall be removed when the need for the dwelling unit to relieve a family hardship no longer exists, or upon sale, transfer or disposal in any manner of the property;
 - b. As part of the application and prior to the approval of the use, a proposed utility plan shall be submitted for approval to the City Engineer. The plan shall show all proposed utility services. As part of the plan approval, the City utility connection fees shall be detailed and will become due at the time of the final inspection of the dwelling unit;
 - c. Improvements to the property to accommodate the placement and occupancy of a temporary medical hardship dwelling unit shall not constitute a vested right for a second permanent residence;
 - d. The placement of a temporary manufactured dwelling shall comply with the provisions of Section 17.56.060 (manufactured homes on individual lots in a MH zone) of this title; and all other City ordinances, and the foundation shall only have to meet the minimum standards as require by applicable Oregon law.
 - e. A deed covenant recognizing the provisions of this section shall be signed by the property owner(s) and recorded;
 - f. The application for permit shall be submitted for renewal annually in January of each year, unless the initial application was approved later than August, in which case annual renewal will commence on the second January following approval. Applications for renewal shall be accompanied by a statement from their attending physician stating the continuation of the medical hardship. An application fee will be due upon filing and each year at the time of renewal of the hardship approval to help defray staff costs for monitoring compliance to the provisions of this title;
 - g. There is no minimum building size for dwelling units placed under this title.
 - h. The maximum size of a dwelling unit authorized under the provisions of this title shall be one thousand square feet of enclosed living space;
 - i. The applicant shall provide to the City a copy of the dwelling unit title or deed.
3. Expiration. Authorization to place a temporary hardship dwelling unit shall be revoked if any of the above listed conditions are violated or if the authorization was obtained fraudulently.

Chapter 17.84

NONCONFORMING USES

Sections:

- 17.84.010 Intent.
- 17.84.020 Continuation of a nonconforming use.
- 17.84.030 Nonconforming structure.
- 17.84.040 Discontinuance of a nonconforming use.
- 17.84.050 Change of a nonconforming use.
- 17.84.060 Destruction of a nonconforming use or structure.
- 17.84.070 Repairs and maintenance.
- 17.84.080 Completion of structure.

17.84.010 Intent. It is the intent of the nonconforming use sections of this title to permit preexisting uses and structures which do not conform to the use or dimensional standards of this title to continue under conditions specified herein. However, alterations or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the city as a whole, are not permitted, except as outlined in this chapter.

17.84.020 Continuation of a nonconforming use.

- A. Subject to the provisions of this chapter, a nonconforming use of a structure or a nonconforming use may be continued and maintained, but shall not be altered or extended.
- 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 the ordinance codified in this title is not an extension of nonconforming uses.
- C. In any commercial or industrial zone, a preexisting single-family dwelling may be altered or extended; provided, that such alteration or extension shall not exceed the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.
- D. A preexisting manufactured dwelling which is situated on an individual lot and which is not permitted in the zone in which it is located, may be repaired, altered or replaced, provided that it was intended for permanent human occupancy; and permanently connected to a sanitary sewer facility, a water source or an electrical outlet as of July 26, 1977.

17.84.030 Nonconforming structure. A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this title.

17.84.040 Discontinuance of a nonconforming use.

- A. If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.
- B. If a nonconforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use.

17.84.050 Change of nonconforming use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

17.84.060 Destruction of a nonconforming use or structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding sixty percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall be in accordance with the provisions of the zone in which the property is located.

17.84.070 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.

17.84.080 Completion of structure. Nothing contained in this title 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 title; provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the permit is issued.

VARIANCES

Sections:

- 17.88.010 Authorization to grant or deny variances.
- 17.88.020 Circumstances for granting a variance.
- 17.88.030 Procedure for taking action on a variance application.
- 17.88.040 Building and zoning permits for an approved variance.
- 17.88.050 Time limit on an approved variance application.
- 17.88.060 Termination of a variance.
- 17.88.070 Limitation.

17.88.010 Authorization to grant or deny variances. Variances from the requirements of this title may be granted where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of the title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, conditions may be attached which are necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title.

17.88.020 Circumstances for granting a variance. A variance may be granted only in the event that all of the following circumstances are considered:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this title have had no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of the City plan or policy.
- D. The variance requested is the minimum variance which would alleviate the hardships.

17.88.030 Procedure for taking action on a variance application. The procedure for taking action on an application for a variance shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application with the City Manager, using forms prescribed pursuant to Section 17.12.100. A filing fee in accordance with the provisions of Section 17.12.110 shall accompany an application for a variance;
- B. If the request is for less than a ten percent variance from the requirements, and if such

request is for the same tax lot, the City Manager shall have the discretion of either acting on the request, or he may refer the request to the Planning Commission;

- C. Should the request for a variance be referred to the Planning Commission, it shall hold a public hearing thereon in accordance with the provisions of Sections 17.12.120 and 17.12.130;
- D. Should the City Manager choose to act on the request without referral to the Planning Commission, he shall cause a notice of the request to be mailed to all owners of property within one hundred feet of the exterior boundaries of the property for which the variance has been requested and to members of the Planning Commission. The mailed notice shall specify that comments will be received by the City Manager for a ten-day period following the date of the notice;
- E. Upon expiration of the aforementioned ten-day period, the City Manager shall act on the request and, within five days after a decision has been rendered, the City Manager shall provide the applicant and any party who has indicated an interest in the request with written notice of the decision and shall advise the Planning Commission of his decision at its next regular meeting;
- F. The applicant or any other interested party may, within ten days of receipt of the written notice of the decision, request review of the request by the Planning Commission at its next regular meeting. The Planning Commission may either uphold the decision of the City Manager, approve the application with special conditions, or approve the request without modification.

17.88.040 Building and zoning permits for an approved variance. Building an zoning permits for all or any portion of an application involving an approved variance shall be issued only in the basis of the plan for the variance as approved by the City Manager or the Planning Commission. Any proposed change in the approved plan shall be submitted to the City Manager as a new application for a variance.

17.88.050 Time limit on an approved variance application. Authorization of a variance shall be void one year after the date of approval of a variance application, or such lesser time as the authorization may specify, unless a use permit and a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the City Manager or the Planning Commission may extend authorization for an additional period not to exceed one year.

17.88.060 Termination of a variance. A variance may be revoked or modified by the City Manager after public notice, or by the Planning Commission after public notice, on any one or more of the following grounds:

- A. Approval of the variance was obtained by fraud or misrepresentation;
- B. The use for which approval was granted has ceased to exist;
- C. The use does not meet the conditions specifically established for it at the time of approval of the application;
- D. The variance is in violation of any provision of this title or any other applicable statute, ordinance or regulation.

17.88.070 Limitation. No request for a variance shall be considered within the one-year period immediately following a denial of such request, except a request may be considered if new evidence or a change of circumstances warrant it.

Chapter 17.92

OPEN STORAGE OF PROPERTY IN C-1 AND C-2 ZONES

Sections:

- 17.92.010 Generally.
- 17.92.020 Abatement.
- 17.92.030 Violation--Penalty.

17.92.010 Generally. The open storage of property in C-1 and C-2 zones shall be in accordance with the following rules, guidelines, and standards:

- A. No person shall have, allow or permit open storage of property in C-1 or C-2 zones without first obtaining an open storage permit from the City.
- B. The Definition of Open Storage of Property. "Open storage of property" means to put aside or accumulate property, for use when needed or later date or disposal, in an area that is exposed to the public view from a public street (not alley). For purposes of this title an annual permit is not required for:
 - 1. Two or fewer enclosed trash/waste receptacles;
 - 2. Operable vehicles that are parked not exceeding thirty days on the property;
 - 3. Merchandise displayed for sale or rent by a business for less than twenty-four hours at a time;
 - 4. Displays of new or used automobiles, trailers, trucks, boats or other mobile equipment, that are for sale or rent, but not parts thereof;
 - 5. Nursery plants, shrubs or trees;
 - 6. Permanent in place storage fuel tanks;
 - 7. Operable and in use (maintained and stocked) vending machines.
- C. A nonrefundable fee to recover the cost of processing the permit shall be charged by the City in the amount of zero dollars per year. The fee shall not be charged for subsequent years if the permit conditions are not changed. The permit may be updated during the year at no extra charge. If the City initiates a permit review no fee will be charged.
- D. Each person wishing to obtain a permit shall apply for said permit on forms provided by the City before January 30th of each year or before any open storage is permitted.
- E. The permit shall contain at least the following information and provisions:
 - 1. The name, address and phone number of the owner of the real property and personal property;
 - 2. The name, address and phone number of applicant, if other than the owner;
 - 3. The address of the real property;
 - 4. The type of business to be conducted on the premises;
 - 5. The area to be used for open storage;
 - 6. The kinds of property is to be stored;
 - 7. How the property is to be stored;
 - 8. The terms, conditions and restrictions of the permit;

9. The City can require further information if needed to make a decision on the permit.
- F. The following standards shall be used in issuing a permit and no permit shall be issued unless the minimum standards are met:
1. When practicable, open storage of property is to be confined to an area on the property that is the furthest from the public street so that it has the least visual impact, e.g., at the rear of a building if less exposed to the public view;
 2. When practicable, open storage shall not occur within twenty feet of a public street;
 3. Property that is dirty, greasy, broken, or dismantled is not appropriate for open storage;
 4. Parts of vehicles, equipment or other property that is disassembled, disconnected or separated from its primary, central or main component or part is not appropriate for open storage;
 5. Merchandise displayed for sale or rent shall be displayed in a way that does not look cluttered or haphazard, e.g., stacked firewood vs. piled firewood;
 6. Property that by its use, design or construction is or was to be used inside a structure (out of the elements) is not appropriate for open storage, e.g., bed springs and mattress; appliances; plumbing fixtures; sofa; household furniture;
 7. Property that is waste product or scrap material of the business is not appropriate for open storage, e.g., worn out tires even if they have economic value.
- G. If a permit is given to allow certain open storage for one year, that does not waive or forfeit the right of the City to initiate in the annual renewal process further improvements and upgrading of the premises to accomplish the goals of this title and Sections 17.32.060 and 17.36.080 in succeeding years.
- H. In considering an open storage permit for C-1 or C-2 zones the City Manager shall either approve the permit, deny the permit, or refer it to the Planning Commission for a decision. A decision of either the City Manager or Planning Commission may be appealed, using procedures as specified in Section 17.12.090.

17.92.020 Abatement. Abatement of violations of this title can be accomplished by any remedy open to the City, including using the procedures for abatement of nuisances set out in other City ordinances, including Chapters 8.08 and 10.16 of this code. If abatement is performed by the City, the cost thereof shall become a lien on the property and/or an obligation of the owner of the property, as set out in the procedures followed for abatement.

17.92.030 Violation--Penalty. Violations of this chapter constitute an infraction and may be prosecuted under the provisions of Chapter 9.36 as now enacted or hereafter amended. It is the duty of the owner of the property (both personal and real) as well as the applicant and possessor of the premises to abide by the terms, conditions and restrictions of the permit.

Chapter 17.96

SIGNS

Sections:

- 17.96.010 Purpose and scope.
- 17.96.020 Definitions.
- 17.96.030 General standards.
- 17.96.040 Signs in residential zones.
- 17.96.050 Signs in C-2, C-3 and PRC zones.
- 17.96.060 Signs in C-1 and M zones.
- 17.96.070 Marquee signs.
- 17.96.080 Temporary signs.
- 17.96.090 Special signs.
- 17.96.100 Prohibited signs.
- 17.96.110 Enforcement, inspection and administration.
- 17.96.120 Interpretation.
- 17.96.130 Violation--Penalty.

17.96.010 Purpose and scope. The purpose of this chapter is to protect the safety, property and welfare of the public by establishing standards for the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures not located within a building. These standards, for purposes of this title, are based upon the following concepts:

- A. The primary purpose of signs is to identify business premises; and the public has a right to see and the businessman has a right to have his identification visible. The advertising of goods, products or services is considered incidental to this primary purpose.
- B. Uncontrolled use of signs for advertising interfered with this primary purpose of signs for identification.
- C. It is necessary to protect residential neighborhoods from the destruction of residential atmosphere that results from the glare and confusion that many signs introduce.

17.96.020 Definitions. The following words and phrases, where used in this title, shall for the purpose of this title have the meanings ascribed to them in this section.

Advertising sign means a sign which directs attention to or identifies a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.

Business sign means a sign which directs attention to or identifies a business, product, activity or service which is conducted, sold or offered upon the premises where such sign is located.

Clearance is measured from the highest point of the grade below the sign to the lowest point of the sign.

Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

Display surface means the area made available by the sign structure for the purpose of displaying the advertising message.

Electrified sign means any sign containing electrical wiring, but not including signs illuminated by and exterior light source.

Erect shall mean to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

Externally illuminated sign means a sign illuminated by an exterior light source which is primarily designed to illuminate only the sign.

Height is measured from the highest point of the grade below the sign to the highest point of the sign.

Internally illuminated sign means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property.

Off-premises sign means a sign which advertises a business or goods, services or facilities provided elsewhere than the premises on which the sign is located.

On-premises sign means a sign which advertises only the business or goods, services or facilities located on the premises on which the sign is located and shall also mean and include a sign advertising the sale or lease of the property on which the sign is located.

Outdoor advertising sign or billboard means a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located and with display surface or surfaces primarily designed for the purpose of painting or posting an advertising message thereon at periodic intervals.

Person means individuals, corporations, firms, partnerships, associations and joint stock companies.

Premises means a lot, parcel or tract of land occupied or to be occupied, by a building or unit or group of buildings and its accessory buildings.

Projecting sign means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

Projection means the distance by which a sign extends over public property or beyond the building line.

Reader board means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.

Secondary sign means an incidental, permanent, on premise, attached wall sign or sign on the face of a marquee or canopy or on a wall facade for signs or an under marquee sign.

Sign means 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 other than paint on the surface of a building which does not include written messages. Murals and other graphic presentations which are painted or otherwise applied without projections to an outside wall are not considered signs.

Sign area means the entire area of the face of a single-sided sign or one face of a two-sided sign where the two faces are identical and mounted at an angle less than or equal to twenty-five degrees. Sign area shall be measured within lines drawn between the outermost points of the sign, but excluding essential sign structure, foundations or supports.

Sign structure means any structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

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

Temporary sign means any sign, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time only.

Time and temperature sign means a message sign providing only time and temperature information or a sign providing such information by means of a mechanically activated dial, but not both.

Under marquee sign means a sign which is erected or maintained under and supported by a marquee.

17.96.030 General standards.

- A. No sign shall be placed over a required yard, or be placed in or extended over a street, except as specifically provided in Sections 17.96.040 through 17.96.090.

- B. Maintenance. All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition. The display surfaces of all signs shall be kept neatly painted or posted.

17.96.040 Signs in residential zones. In an R-1 and R-2 zone, no sign shall be allowed except the following:

- A. A sign identifying only the name of the owner or occupant of a building; provided, such sign does not exceed six inches by eighteen inches in size, is nonilluminated, and is located entirely within the property lines of the lot.
- B. A sign pertaining to the lease or sale of a building or property; provided, such sign does not exceed six square feet in area and is located flat against the building or, if constructed of wood and/or metal, is not less than ten feet from the front lot line.
- C. One identification sign facing each bordering street, not to exceed two square feet in area, for any permitted use except home occupations and residences. Such sign shall be solely for the purpose of displaying the name be illuminated but nonflashing, and shall not be located in a required yard.
- D. Temporary sign, for one year subject to renewal if adequately maintained, advertising a new subdivision; provided, such sign does not exceed thirty square feet in area, advertises only the subdivision in which it is located, and is erected only at a dedicated street entrance and within the building lines. Such sign will be removed if construction of the subdivision is not in progress within sixty days following the date of the sign permit.
- E. In the R-2 zone, one business sign not to exceed twenty-four square feet in area for the following uses: multiple-family dwelling, motel, mobile home park, and boarding, lodging or rooming house. Such sign shall be solely for the purpose of displaying the name and services of the business. It may be illuminated but nonflashing.

17.96.050 Signs in C-2, C-3 and PRC zones. In the C-2, C-3 and PRC zones, the following types of signs may be erected:

- A. Signs permitted in Section 17.96.040;
- B. Business sign, provided the total square footage of the sign for each business does not exceed an area equal to one square foot for each foot of frontage of the property occupied by the business, and shall be located so it will not extend beyond the property line and shall be no less than twelve feet above grade. Any sign less than twelve feet above grade shall be located five feet back from the property line, and no part of the sign shall extend over this five-foot setback. In addition, all signs shall conform to the following conditions:
 - 1. Signs located within one hundred linear feet of a public right-of-way shall not exceed one hundred square feet in area, except for shopping center signs;
 - 2. Each side of a business fronting directly on a public street shall be allowed two signs, Signs displaying only the name of the business segregated into multiple sign units (e.g. one sign unit for each letter) will be permitted provided the sign is

nonprojecting and the sum of the areas of the sign units does not exceed the area requirements of this section;

3. Each business is allowed one sign in addition to those facing public streets if the additional sign is a wall sign and erected on the side of a building facing and interior lot line or alley. The area of such sign shall not exceed that allowed for the street side and shall not be in addition thereto, without approval from the Planning Commission;
 4. All businesses are allowed at least fifty square feet of sign area, regardless of frontage;
 5. Painted signs shall not exceed fifty square feet of sign area.
- C. A sign identifying a group of businesses combined as a shopping center is considered to be a business sign. Such sign may contain the names of individual businesses in the center, shall not exceed one square foot in area for each foot of frontage of the property occupied by the center or two hundred square feet, whichever is the least, and shall be located so it will not extend beyond the property line and shall be not less than twelve feet above grade. The area of a shopping center sign shall be considered as independent of permitted sign areas for the individual businesses.
- D. Signs in these zones may be illuminated but nonflashing.

17.96.060 Signs in C-1 and M zones. Signs in the commercial center C-1 and industrial M zones. In the C-1 and M zones, business signs and advertising signs are permitted, provided such signs comply with Sections 17.96.050 of this title and are not located within or extended over a required yard or street except as follows:

- A. Where a front or street side yard is required, two business signs for each business, facing each street on which the business is located, may be erected on or within the property line; provided, a horizontal clearance between the sign and the curblin be not less than two feet. A sign projecting more than two-thirds of the distance from the property line to the curblin shall be not less than twelve feet above grade. A sign projecting less than two-thirds of the distance from the property line to the curblin shall be not less than eight feet above grade.
- B. In the instance of a building located on the required yard line, a sign may be erected; provided, a horizontal clearance between the sign and the curblin shall be not less than two feet. A sign projecting more than two-thirds of the distance from the property line to the curblin shall be not less than two-thirds of the distance from the required yard line to the curblin shall be not less than eight feet above grade.

17.96.070 Marquee signs. Signs located under marquees shall not project more than twelve inches below the marquee, and shall have a maximum length of four feet two inches, and shall be not less than eight feet above the sidewalk or grade line. Reader board signs on theater marquees complying with all of the provisions of this title shall be permitted.

17.96.080 Temporary signs.

- A. Temporary signs meant to advertise particular events or sales are not permitted to be placed on any location other than upon the premises upon which the event or sale is taking place, or upon the property of a consenting property owner no farther than one mile from the premises upon which the event or sale is taking place, unless prior approval is obtained from the Council.
- B. Temporary signs must be removed upon the termination of the event or sale being advertised.
- C. Temporary signs located in public rights-of-way, except with prior approval of the Council, or upon the property of a property owner not consenting to the placement of such sign may be removed immediately by the Police Department.
- D. The Police Department shall also be empowered to issue citations for posting of temporary signs in public rights-of-ways or upon the property of a property owner not consenting to the placement of such sign. Such citation shall be issued to the person sponsoring the event or sale at the premises indicated by the temporary sign.

17.96.090 Special signs. Signs which either do not lend themselves to the ordinary processes of measurement because they are integrated into the design of the building structure, or signs designed for a special purpose which makes strict application to this chapter difficult, may be permitted when the Planning Commission finds such signs in conformance with the intent of this chapter and appropriate to the type of development or structure to which they are related.

17.96.100 Prohibited signs. No sign shall be constructed, erected or maintained which:

- A. Purports to be, or is an imitation of, or resembles an official traffic sign or signal, or which bears the words "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING" or similar words;
- B. By reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device; or which hides from view any traffic or street sign signal;
- C. Advertises or publicizes an activity, business, product or service not conducted on the premises upon which such signs are maintained if such activity, business, product or service is more than one mile from such premises;
- D. Rotates or has a rotating or moving part or parts that revolve at a speed in excess of five revolutions per minute. Reader board signs shall not be allowed to rotate;
- E. Lighting on signs shall be deflected so as not to shine directly into any adjacent residential quarters;
- F. Blanketing. No sign shall be located so as to substantially obstruct the view of a sign on adjoining property when viewed from a distance of two hundred feet at any point four feet above the roadway grade of the traffic lane closest to the street property line;
- G. No sign is permitted which has a visible "A" frame or trusses as part of the sign or sign structure. Guy wires are permitted for support of a sign only in instances in which no other means of safe support exists. Trusses and frames which support signs will be

enclosed with the supporting structures constructed as a part of the continuation of the sign.

17.96.110 Enforcement, inspection and administration.

- A. Enforcement. The building inspector and/or City Manager are authorized and directed to enforce all of the provisions of this chapter except Section 17.96.080, which shall be enforced by the City Police Department.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe, the building official or his authorized representative may enter the premises or building on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed upon the building official by this code; provided, that if such building or premises on which the sign is located be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- C. Permits. Permits must be obtained from the building inspector prior to placement of the sign for the following signs;
 - 1. Electrified signs;
 - 2. Signs occupying any part of the area from a property line to a curblin.
- D. Inspection. Signs for which a permit is required shall be inspected by the building inspector for conformance with the requirements of this chapter and any other applicable ordinance of the City.
- E. Removal of Signs. The building inspector may cause the removal of signs if any of the following conditions are met:
 - 1. The building inspector finds that a sign or structure is in violation of the Uniform Building Code, or in violation of this chapter, or that by reason of its condition it presents an immediate and serious danger to the public;
 - 2. The building inspector finds that a sign is abandoned by its owner. Abandonment occurs when the business advertised by the sign has discontinued operations upon the premises upon which such sign is located. The following signs are not considered to be abandoned for the purposes of this subsection:
 - a. Billboards, where a person has merely leased or contracted advertising space thereon,
 - b. Signs which the successor to a person's business location or business agrees to maintain as provided in this chapter.
- F. Procedures for Removal. The building inspector shall not remove any sign without first notifying in writing its owner, and the owner of the premises upon which the sign is located, at their last known addresses, and allowing thirty days to elapse, except when the sign presents an immediate and serious danger to the public. During the thirty-day

period, the owner of the sign or the owner of the premises upon which the sign is located may remove the sign or appeal the ruling of the building inspector.

- G. Liens for Cost of Removal of Signs. After the unsafe sign or the abandoned sign has been removed, the building inspector shall promptly report to the City Manager the cost thereof, including the sum of twenty-five dollars administrative costs for each sign. Upon receipt thereof, the City Manager shall cause a written notice to be given to the owner of the premises on which the sign was located, and also to the owner of the sign, if he is known, either personally or by mailing to his last known mailing address; and shall post a copy thereof on the premises, stating the amount of costs of removing said sign, describing the premises with reasonable certainty, giving notice that such amount will be considered by the Council at a meeting at the time and place specified in the notice as the amount to be assessed against said premises as a lien, and that any person having an interest in the premises may appear and be heard at said meeting with respect thereto. At the time and place specified in the notice mentioned, the Council shall meet and shall consider any protests or objections to the levying of the costs herein referred to as a lien on such premises; and after considering such protests and objections, if any, shall determine what amount shall be made a lien on such premises and shall by resolution, direct the City recorder to enter such charges in the City lien docket as a lien upon the premises so affected. Each such lien shall be a lien upon the lot or manner as is now or hereafter provided for the foreclosure of liens for special improvements to property within the City.
- H. Disposition of Signs After Removal. The building inspector shall notify the owner of a removed sign, and the owner of the premises upon which the sign was located, of the costs of its removal. The owner of the sign and/or the owner of the premises upon which the sign was located shall have ten days following the issuance of notice of costs of removal in which to pay the costs of removal, in which case the owner shall be allowed to have the sign. However, if the owner of the sign or the owner of the premises upon which the sign was located does not pay the costs of removal within ten days, then the building inspector shall dispose of the sign by junking or by auction to the highest bidder for cash, whichever he determines most advantageous to the City.
- I. Nonconforming Signs. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately comply with all provisions of this chapter.
- J. Sign Amortization Period. Signs which do not conform to this chapter but which existed and were maintained as of the effective date of the ordinance codified in this title shall be removed or be made to conform before January 1, 1990. Prior to this date said nonconforming sign shall be maintained in good repair and visual appearance and no structural alterations be made thereto, unless to preserve the safety of such sign or to bring it into conformance with this chapter.

17.96.120 Interpretation. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other, provisions which are more restrictive shall govern.

17.96.130 Violation--Penalty. Violation of this chapter constitutes an infraction and may be prosecuted under the provisions of Chapter 9.36.

Section 17.98
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

17.98.010	Purpose
17.98.020	Definitions
17.98.030	Review Procedures
17.98.040	Siting Preferences
17.98.050	Standards and Requirements
17.98.060	Attached Telecommunications Facilities
17.98.070	Abandonment of Facilities
17.98.080	Application
17.98.090	Special Review Criteria

17.98.010 Purpose.

The purpose of this section is:

- A. To minimize adverse health, safety, public welfare, or visual impacts of towers, through careful design, siting, landscaping, and innovative visual compatibility techniques;
- B. To encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- C. To encourage utilization of technological designs that will either eliminate or reduce the need for construction of new tower facilities;
- D. To avoid potential damage to property caused by facilities, by ensuring such structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
- E. To ensure that towers are compatible with surrounding land uses.

17.98.020 Definitions.

“Antenna, Wireless Telecommunications” means the physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators, police, fire, and AM radio are excluded from this definition.

“Attached Wireless Telecommunications Facility” means a wireless telecommunications facility that is affixed to an existing structure, other than a Wireless Telecommunications Tower.

“Co-Location” means a wireless telecommunications facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one provider.

“Lattice Tower” means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

“Monopole” means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

“Provider” means a company holding a Federal Communications Commission (FCC) license that is in business to provide telecommunications services.

“Wireless Telecommunications” means the transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

“Wireless Telecommunications Accessory Structure/Equipment” means equipment shelters or radio equipment necessary for the operation of wireless telecommunications in addition to the antenna and tower.

“Wireless Telecommunications Facility (WTF)” means a facility consisting of the equipment and structures involved in receiving and or transmitting telecommunications or radio signals.

“Wireless Telecommunications Equipment Shelter” means the structure in which the electronic radio equipment and relay equipment for a wireless telecommunications facility is housed.

“Wireless Telecommunications Support Facility” means a Wireless Telecommunications Tower.

“Wireless Telecommunications Tower” means a structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice towers, but not excluding any other approved structure.

“Visual Compatibility Characteristics” means characteristics that minimize the visual impact of a tower or antennas.

17.98.030 Review Procedures. Wireless Telecommunications Facilities, hereby referred to as “WTFs” and/or “facilities” within this section, require a Conditional Use Permit.

The process of review is dependent on the type of facility proposed (i.e. co-located/attached or freestanding) and its proposed location.

A. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by this ordinance, such notice shall be sent to owners of record of property where such property is located as follows:

1. Within 300 feet from the exterior boundary of the subject property when the proposed WTF meets the height requirement of this Title;
2. For WTF's that exceed the height requirement of this Title, an additional 50 feet of notice area is required for every 10 foot increment in height.

- B. Action and findings by Planning Commission. For applications proposing the siting of wireless telecommunications facilities through means other than attachment, the Planning Commission shall conduct a public hearing in accordance with SHMC 17.12. Following the close of the hearing the Planning Commission shall either approve, conditionally approve, or deny the Development Plan. A Wireless Communication Facility, as authorized, shall be subject to all conditions imposed and shall be varied from other provisions of this ordinance only to the extent specified in the approval.
- C. Conditional Uses Permitted. Wireless Telecommunications Facilities shall be permitted upon granting of a Conditional Use Permit in all zones, except (d) of this Section.
- D. Uses Prohibited. Wireless Telecommunications Facilities shall be prohibited in the Natural Resources Overlay Zone.

17.98.040 Siting Preferences. WTFs shall be sited in accordance with the following priorities, in order of their preference. If the applicant proposes a facility on lower priority preferences, the applicant shall prove conclusively, that each of the higher priorities has been considered and found to be not feasible.

- A. Priority #1: Use of an Attached Wireless Communication Facility whereby transmission and reception devices are placed on existing structures which are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.
- B. Priority #2: Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar existing structure.
- C. Priority #3: Siting of a new tower, in a visually subordinate manner, using visual compatibility techniques.
- D. Priority #4: Siting of a new tower in a visually dominant location, but employing visual compatibility techniques.
- E. Priority #5: Siting of a tower in a visually dominant location, not employing visual compatibility techniques.

17.98.050 Standards and Requirements.

- A. All facilities shall meet all requirements established by the other provisions of SHMC that are not in conflict with the requirements contained in this Chapter.
- B. All facilities shall comply with all federal, state, and city codes, including, but not limited to, Federal Communication Commission and Federal Aviation Administration standards.
- C. Access. Access shall meet the standards of the underlying zone.
- D. Height. Height of a facility shall be measured from the natural, undisturbed ground surface below the center of the base of the proposed facility to the top of the facility or if higher, the tip of the highest antenna or other transmission or reception device.
 - 1. No WTF shall exceed the height standard of this Title, except where attached to an existing structure that exceeds that height and the attached antennas do not increase the total height of that structure by more than 10'.

- E. Co-Location.
1. New facilities, if technically feasible, will be designed and constructed for three antennas/providers to co-locate on the facility and to allow antennas mounted at varying heights.
 2. The owner of a facility may not deny a wireless telecommunications provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost agreed to by the affected parties.
 3. A facility may be attached to any existing structure as long as the height of that structure is not increased by more than 10' and so long as it meets all relevant requirements of this Section.
 4. Co-location shall not be precluded simply because a reasonable fee or shared use is charged or because reasonable costs necessary to adopt the existing or proposed uses to a shared tower. The Planning Commission may consider expert testimony to determine whether the fees and costs are reasonable.
 5. Co-location costs that exceed new tower development costs are considered to be unreasonable.
- F. Construction.
1. All facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code.
- G. Design. Where possible new facilities will be located in such a manner that they blend in with the background around them, using techniques to ensure visual compatibility characteristics.
1. All new WTF towers shall be a monopole or lattice tower structure constructed out of metal or other nonflammable material.
 2. All accessory structures (i.e vaults, equipment rooms, utilities, and equipment enclosures) shall be concealed, camouflaged, shall be consistent with the underlying zone, or shall be placed underground.
 3. Visible exterior surfaces of accessory facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed out of nonreflective materials.
 4. WTFs shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color shall be one that will minimize the facility's visibility to the maximum extent feasible.
- H. Landscaping. All WTFs shall be installed in such a manner as to maintain and enhance existing vegetation. Where no vegetation exists, a landscaping plan must be submitted for the site.
- I. Lighting. No lighting shall be permitted on a WTF except as required for security and as required by the Federal Aviation Administration. Security lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto any street or a lot in a residential zone.
- J. Location. No telecommunications facility shall be installed on an exposed ridge line unless it blends with the surrounding existing natural and man-made environment in such a manner as to be visually compatible with the environment.

- K. Setbacks. Facilities shall be set back at least twenty-five percent (25%) of the tower height from all property lines or shall meet the setbacks of the underlying zone, which ever is greater.
- L. Safety. All WTFs shall maintain in place a security program that will deter unauthorized access and vandalism.
- M. Underground equipment shelters should be considered.
- N. Signs. Signs shall comply with the requirements set forth in this Title.
 - 1. All Telecommunications Facilities shall be clearly identified as to the location and operator so as to facilitate emergency response.

17.98.060 Attached Telecommunications Facilities. All attached facilities shall be located and designed to appear an integral part of the structure.

- A. Roof mounted antennas and all building mounted accessory equipment shall be located no closer to the nearest edge of the roof than the height of the antenna or accessory equipment, whichever is greater.
- B. Wall mounted antennas shall be architecturally integrated into the building.
- C. Wall mounted antennas shall be located no more than four feet (4') from the face of the wall.
- D. Accessory structures for attached facilities, such as equipment shelters, cabinets or other enclosed structures containing electronic equipment, shall be camouflaged or otherwise constructed using visual compatibility techniques.

17.98.070 Abandonment of Facilities.

- A. Wireless Telecommunications Facilities that do not have functioning antennas for a period of six (6) months shall be considered abandoned and shall be removed by the owner or operator within 60 days thereafter.

17.98.080 Application.

- A. Application Requirements.
 - a. One copy of the narrative on 8.5" by 11" sheets; and
 - b. A development site plan drawn to scale with sheet size not to exceeding 24" by 36". Where necessary, an overall plan with additional detail sheets may be submitted; and
 - c. All information necessary to evaluate the request.
 - d. One set of the plan shall be reduced to fit on 8.5" by 11" sheets of paper. Names and numbers must be legible on this sheet size.
 - e. After the application is accepted as complete, any revisions may require a new application, additional filing fees, and rescheduling of the public hearing.
- B. Development Plan Required. All applications shall be accompanied by a Development Plan drawn to scale showing the following:
 - 1. Use or uses,
 - 2. Location of the proposed facility and relevant dimensions.
 - 3. Height of the proposed facility.
 - 4. Setbacks for the proposed facility.

5. A photo simulation of the proposed WTF for the maximum number of providers.
 6. Dimensions and location of areas to be reserved for vehicular and pedestrian access and circulation.
 7. A landscaping plan that indicates how the facility will be screened from adjoining uses.
 8. A fencing plan that indicates the location, height and design of any proposed fencing.
 9. A lighting plan that indicates the type and location of any proposed lighting.
 10. A sign plan that indicates the size, location, and design of any proposed signage.
 11. Drawings demonstrating the materials, color and design of the proposed facility.
 12. A map showing all existing wireless communication facility sites operated by the provider within two miles of the Sweet Home boundary, or the top of the nearby ridges, whichever is greater, including a description of the facility at each location.
 13. A propagation study indicting proposed facility and the adjacent hand-off sites.
 14. If provider proposes to construct a new facility (tower), all applications shall include findings that demonstrate that it is not legally or technically feasible to co-locate.
 - a. Documentation of the efforts that have been made to co-locate on existing or previously approved towers.
 - b. Each provider shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form of contact and the result of contact.
 - c. Documentation as to why co-locating on an existing or proposed tower or attachment to existing structures within one-half mile of the proposed site is not feasible.
 15. Such other pertinent information shall be included as may be considered necessary by the Review Authority to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and the Subdivision Ordinance.
- C. Narrative Required . A written statement shall include the following information:
1. The name and contact information for the provider;
 2. A description of the character of the proposed facility;
 3. Analysis of how the application meets the review criteria;
 4. Applicants/providers shall provide evidence of legal access to the proposed Wireless Telecommunications Facility.
 5. The applicant/provider shall provide evidence that legal access to the facility site will be maintained for the duration of the facility's operation.
 6. Where a proposed Wireless Telecommunications Facility is located on a property not owned by the provider, the applicant/provider shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.

7. The applicant shall provide evidence that describes the facility tower's structural capacity to carry the antennas of at least three Wireless Telecommunications providers.
8. The applicant shall provide evidence of steps the provider will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization, per FCC requirements.
9. The applicant shall demonstrate that the WTF is intended to provide service primarily within the community.
 - a. The City reserves the right to deny a permit if it is shown that the facility is not intended to provide service primarily within the community.
10. The applicant/provider shall demonstrate that the Wireless Telecommunications Facility must be located where it is proposed in order to service the provider's service area. There shall be an explanation of why a facility at this proposed site is technically necessary.
11. If the applicant/provider proposes a new tower or co-located facility, the applicant shall provide evidence that the facility's height is the lowest height at which the gap in coverage can be filled.
12. All applications shall include evidence that at least one provider will use the proposed facility to provide wireless telecommunications service immediately upon construction completion of the facility.
 - a. The City reserves the right to deny applications that propose a facility without a provider.
13. The application shall include a written agreement that Wireless Telecommunications Facilities owned by the provider, that do not have an operating antenna for a period of six (6) months, shall be considered abandoned and shall be removed by the operator within 60 days thereafter.
14. The application shall include a written agreement from the property owner that if the provider fails to remove an abandoned WTF, the property owner has full legal and fiscal responsibility for the WTF removal.

17.98.090 Special Review Criteria.

- A. Residential Zones. A Wireless Telecommunications Facility is not allowed in any Residential Zone unless it is an Attached WTF that meets the requirements of this Section.
 1. Access. Standards for access are the set by the underlying zone.
 2. Height. A facility that is attached to an existing structure may not exceed the height of the existing structure, unless findings are made by the Planning Commission that such an increase will have a minimal impact on the appearance of the structure.
 3. Landscaping. Existing trees and other screening vegetation in the vicinity and along the access road shall be protected from damage, both during the construction period and thereafter.
 4. Signs. Facilities shall be identified with an identification sign not exceeding two (2) square feet in size.

5. Accessory Facilities. Accessory structures for attached facilities, such as equipment shelters, cabinets or other enclosed structures containing electronic equipment, shall be camouflaged or otherwise constructed using visual compatibility techniques.
- B. Commercial Zones. A Wireless Telecommunications Facility in any Commercial Zone must be either an Attached WTF or a Monopole, and that meets the requirements of this Section.
1. Access. Standards for access are the set by the underlying zone
 2. Height. The height of a WTF shall not exceed 80' feet.
 3. Landscaping. Existing trees and other screening vegetation in the vicinity and along the access road shall be protected from damage, both during the construction period and thereafter. The accessory structure shall be screened by an evergreen material with an ultimate height of at least eight (8) feet and a planted height of at least three feet. The landscaping must be protected and maintained.
 4. Signs. Facilities shall be identified with an identification sign not exceeding two (2) square feet in size.
 5. Accessory Facilities. Accessory structures for attached facilities, such as equipment shelters, cabinets or other enclosed structures containing electronic equipment, shall be camouflaged or otherwise constructed using visual compatibility techniques.
- C. Industrial Zones
1. Access. Standards for access are the set by the underlying zone.
 2. Height. Facilities shall not exceed 100'.
 3. Landscaping. Existing trees and other screening vegetation in the vicinity and along the access road shall be protected from damage, both during the construction period and thereafter. The accessory structure shall be screened by an evergreen material with an ultimate height of at least eight (8) feet and a planted height of at least three feet. The landscaping must be protected and maintained.
 4. Signs. Facilities shall be identified with an identification sign not exceeding two (2) square feet in size.
 5. Accessory Facilities. Accessory structures for facilities, such as equipment shelters, cabinets or other enclosed structures containing electronic equipment, shall be camouflaged or otherwise constructed using visual compatibility techniques.

Chapter 17.100

VACATION OF PUBLIC WAYS

Sections:

17.100.010 Generally.

17.100.010 Generally.

- A. Upon receiving a proposal to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, or before initiating such vacation proceedings on its own motion, the Council shall refer the proposal to the Planning Commission.
- B. The Planning Commission shall review the proposal, hold such hearings thereon as it deems proper and make recommendations to the Council.
- C. In the event that the Council finds that immediate action is necessary to initiate proceedings for vacation before the proposal is referred to the Planning Commission for consideration, the Council may proceed, but the Planning Commission shall be promptly advised and afforded an opportunity to make recommendations at the hearing before the Council.

Sections:

17.104.010 Generally.

17.104.010 Generally.

- A. Upon receiving any petition for annexation of territory to the City, or before initiating any such action of its own motion, the Council shall refer the proposal for annexation to the Planning Commission for its consideration and recommendation.
- B. The Planning Commission shall review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and made recommendation to the Council.
- C. In the event that the Council finds that immediate action is necessary to initiate proceedings for annexation, either before the proposal is referred to the Planning Commission, or before recommendations are received from the Planning Commission shall be promptly advised, so that it may have an opportunity to make recommendations to the Council during the Council proceedings.