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12.04.010 Title.

This title within the Jefferson Municipal Code shall be known as the City of Jefferson Development Code, and is cited herein as “Development Code.”

(Ord. 643 § 2, 2004; DC § 1.010)

12.04.020 Purpose.

The purpose of the Development Code is to coordinate City regulations governing the development and use of land and to implement the Jefferson Comprehensive Plan.

(DC § 1.020)

12.04.030 Scope and compliance.

A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, alteration, occupancy or otherwise, only as the Development Code permits. In addition to complying with the criteria and other provisions within the Development Code, each development shall comply with the Jefferson Comprehensive Plan. The requirements of the Development Code apply to the person or persons undertaking a development or the users of a development and their successors in interest.

(DC § 1.030)

12.04.040 Consistency with the Comprehensive Plan and laws.

Actions initiated under the Development Code shall be consistent with the adopted Comprehensive Plan of the City of Jefferson and the applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

(DC § 1.040)

12.04.050 [Repealed].

(Ord. 643 § 3, 2004; DC § 1.050)

12.04.060 Nondiscrimination.

Administration of the Development Code shall not discriminate against anyone on the basis of race, color, national origin, religion, age, gender or disability.

(Ord. 643 § 4, 2004; DC § 1.053)

12.04.070 [Repealed].

(Ord. 643 § 3, 2004; DC § 1.070)

12.04.080 Definitions.

As used in the Development Code, the masculine includes the feminine and neuter, and the singular includes the plural. The following definitions shall be used to interpret the provisions of the Development Code, unless the context otherwise requires:

“Abutting” means contiguous or adjoining. Parcels shall be considered to be abutting even when separated by an alley or public right-of-way that is less than or equal to twenty (20) feet wide. Parcels separated by a street or public right-of-way greater than twenty (20) feet wide shall not be considered to be abutting.

“Accessory building or structure” means a building or structure incidental, appropriate and subordinate to the main building or structure of the property.

“Accessory use” means a use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. A home occupation is an accessory use.

“Alley” means a public way through a block primarily for utility easements and secondary access for vehicular service to the back or side of properties otherwise abutting on a street.

“Appeal” means a request for a review of a staff interpretation of any provision of the Development Code, or for a review of a decision made by the Planning Commission.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

“Area of special flood hazard” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any areas of the building having its floor subgrade (below ground level) on all sides.

“Boarding, lodging or rooming house” means a building where lodging with or without meals is provided for compensation for not less than five nor more than ten guests.

“Building” means a structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbaria, crematories, mausoleums and mortuaries.

“Child care center” means a facility certified as such by the State of Oregon under ORS 657A.280.

“Child care home” means a facility certified as such by the State of Oregon under ORS 657A.280.

[Note: The following excerpt from the 1999 version of ORS is provided for convenience, but not adopted herein:

“657A.280 When certification required; content of rules.

“(1) No person shall operate a child care facility caring for seven or more children without a certification for such facility from the Child Care Division.

“(2) The Child Care Division shall adopt rules for the certification of a group child care home caring for not more than 12 children. The rules shall be specifically adopted for the regulation of certified child care facilities operated in a facility

constructed as a single-family dwelling.

“(3) In addition to rules adopted for and applied to child care facilities providing child care for not more than 12 children, the Child Care Division shall adopt and apply separate rules appropriate for any child care facility that is a child care center that cares for more than 12 children.”]

“Children’s play area” means an area which is open from ground to sky and intended for use by all residents of a common development.

“City” means the City of Jefferson.

“Clinic” means single or multiple offices and incidental accessory uses for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing professions.

“Commission” means the Planning Commission for the City of Jefferson as established by Chapter 2.08 of the Jefferson Municipal Code.

“Common open space” means an area which is open from ground to sky and intended for use by all residents of a common development.

“Community center” means a facility owned and operated by a governmental agency or a nonprofit community organization which is open to any resident of the neighborhood in which the facility is located, or to any resident of the City of Jefferson, or surrounding area; provided that the primary purpose of the facility is for assembly.

“Comprehensive Plan” means the document containing maps, policies and text officially adopted by the City Council September 27, 1977 and as subsequently amended to guide the process of change, protect resources, and promote orderly development.

Day Care Facilities. See “child care home” and “child care center.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, partitions, subdivisions, creating or terminating accesses, and including both the process of developing and the result of that process.

“Development official” means the person or persons designated and authorized by the City Council to carry out and enforce the provisions of the Development Code. The development official may delegate such authority as necessary to carry out their responsibilities.

Dwelling, Multiple-Family. “Multiple-family dwelling” means a building containing two or more dwelling units or one lot containing more than two detached dwelling units.

Dwelling, Single-Family. “Single-family dwelling” means a detached building containing one dwelling unit.

“Dwelling unit” means one or more rooms designed for occupancy by one household, and not having more than one cooking facility. For the purpose of the Development Code, a recreational vehicle is not a dwelling unit.

“Expedited land division” means a land division that creates three or fewer parcels under ORS 92.010 and meets the elements set forth for an action under this definition. An action of the City includes land that:

1. Is zoned for residential uses and is within an urban growth boundary, is solely for the purposes of residential uses (including recreational and open space uses accessory to residential uses), and is within an urban growth boundary;
2. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and Development Code for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic and historic areas and natural resources;
3. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use

regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules; and

4. Creates enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted by the zoning designation of the site.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a fence or evergreen planting arranged in such a way as to obstruct vision.

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

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

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

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

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

"Floor area" means the area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.

Garage, Private. "Private garage" means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

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

"Grade (ground level)" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the aboveground level should be measured at the sidewalk.

"Ground-mounted sign" means a sign supported by more than one upright pole or brace placed in or upon the ground and wholly detached from any building. It is also known as a ground sign.

Group Care Home. See "residential care home" and "residential care facility."

"Handicap accessible parking spaces" means parking spaces with special dimensions and numbers as required by the Americans with Disabilities Act and as applied by Marion County Building Inspection.

"Handicapped person" means an individual who has a mental or physical impairment which for the individual constitutes or results in a functional limitation to one or more major life activities.

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

"Home occupation" means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other persons being engaged, provided that:

1. The residence character of the building is maintained;
2. The activity occupies less than one-quarter of the ground floor area of the main building;
3. The activity is conducted in such a manner not to give an outward appearance, nor manifest any characteristics of, a business in the ordinary meaning of the term, or infringe upon the right of the neighboring residents to enjoy the peaceful

occupancy of their homes.

“Hospital” means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

“Kennel” means any premises where four or more dogs, cats, or other animals or any combination thereof at least four months of age, are kept commercially or permitted to remain of board, propagation, training or sale, except veterinary clinics and animal hospitals.

“Landscaped” means ground that has been adorned or improved by any combination of contouring, rocks, plantings (for example: trees, shrubs, flowers, groundcover), outdoor structures (for example: fences, walls, benches, walkways, plazas, sculpture), and water features (for example: pools, fountains, waterfalls).

“Lot” means a parcel or tract of land.

“Lot area” means the total horizontal area within the lot lines of a lot.

Lot, Corner. “Corner lot” means a lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five (135) degrees.

“Lot depth” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Interior. “Interior lot” means a lot other than a corner lot.

“Lot line” means the property line bounding a lot.

“Lot line adjustment” means the relocation of a common property line between two abutting properties. Lot line adjustments do not include vacation of a previously platted lot, creation of additional lots, or creation of a lot not in compliance with City standards. Lot line adjustments are permitted in subdivisions only where there is a single adjustment and the adjustment does not constitute a reconfiguration of the subdivision.

Lot Line, Front. “Front lot line” means, in the case of an interior lot, the line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley. In the case of a corner lot, for the purpose of determining the nonstreet side and rear yard setbacks only, the property owner will be allowed to designate a front yard.

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

Lot Line, Side. “Side lot line” means any lot line not a front or rear lot line.

“Lot of record” means a lot shown as part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the county recorder. However, no lot of record may be created without complying with the provisions of the Land Division Requirements of the state of Oregon and the Development Code.

Lot, Through. “Through lot” means a lot or development site other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as double-frontage lots.

“Lot width” means the horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line at or near the midpoint of the lot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of the Development Code found in Chapter 12.32.

“Major life activity” means self-care, ambulation, communication, transportation, education, socialization, employment and the ability to acquire and maintain adequate, safe and decent shelter.

“Manufactured 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 in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

“Manufactured home park” means any place where four or more manufactured homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

“Manufactured home park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.101 to 92.190.

“Mobilehome” 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 mobilehome laws in effect at the time of construction.

“New construction” means structures for which the start of construction commenced on or after the effective date of the Development Code.

“Nonconforming building” means any building which lawfully existed prior to the effective date of the Development Code, but which, due to the requirements adopted herein, no longer complies with the height, yard, area and coverage regulations, off-street parking requirements, or other provisions of the Development Code pertaining to buildings.

“Nonconforming lot” means a parcel of land which lawfully existed prior to the effective date of the Development Code or which was legally created after the adoption of the Development Code, but which in either case does not conform to the lot area and/or lot dimension standards for the district in which it is located.

“Nonconforming use” means any use which lawfully existed on the effective date of the Development Code, but which due to the requirements adopted herein, no longer complies with the schedule of permitted uses. Uses allowed in certain use districts by conditional use permit, but which were existing on the effective date of the Development Code without a conditional use permit, shall also be considered nonconforming.

“Nursing homes” means facilities licensed by the state of Oregon as such.

“Open space” means a site area not devoted to buildings, parking, driveways or storage areas.

“Parcel” means and includes:

1. A unit of land created:
 - a. By partitioning land as defined in ORS 92.010,
 - b. In compliance with all applicable planning, zoning and partitioning ordinances and regulations, or
 - c. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations in effect at the time of the transfer;
2. Does not include a unit of land created solely to establish a separate tax account.

Parking Area, Private. “Private parking area” means privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of

the property, and for which the parking area is required by the Development Code and not open for general public use.

Parking Area, Public. “Public parking area” means private or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by the Development Code for retail customers, patrons and clients.

“Parking space” means a space for parking a motor vehicle within a designated parking area according to the dimensions as required in the Public Works Design Standards.

“Partition” means a division of land into two or three parcels of land within a calendar year, not including creation of a road or street.

“Pedestrian path” means any sidewalk, footpath or trail which provides on-site pedestrian access and circulation.

“Person” means every natural person, firm, partnership, association or corporation.

“Pole sign” means a sign that exceeds ten (10) feet in height, supported by one or more upright poles, placed in or upon the ground and wholly detached from any building.

“Private open space” means a semienclosed area which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, rooftop gardens, verandas and decks.

“Residential care facility” means a facility providing care for over five residents.

“Residential care home” means a home providing care for up to five residents.

“Recreational vehicle” means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding four hundred (400) square feet in the set-up mode and as further defined by state rule.

Screening. See guidelines in Section 12.42.140.

“Setback” means the distance measured from the lot line to the building structure.

“Sign” means a presentation or representation, other than a house number, which by words, letters, figures, designs, pictures or colors publicly displayed, gives notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be a sign.

“Sign height” means the distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on, or the elevation of a public sidewalk or street curb within ten (10) feet of the sign structure, to the greatest height of the sign face.

Service Station, Automobile. “Automobile service station” means a place or station designed and used primarily for the supply of motor fuel, lubrication and accessories to motor vehicles.

“Start of construction” includes substantial improvement and means the date the building permit was issued, provided that actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of

construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Street” means the entire width between the boundary lines of every right-of-way which provides for public use for the purposes of vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley,” “court,” or other similar designation.

“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 and which requires location on the ground or which is attached to something having a location on the ground; a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Structural alteration” means a change to the supporting members of a structure including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.

“Subdivision” means the creation of four or more lots in a calendar year; the process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas, and the designation of the location of utilities and other improvements.

“Substantial damage” means, for purposes of Chapter 12.32 Floodplain District Standards, damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before the damage occurred would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means:

1. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure:
 - a. The cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction; or
 - b. Which is performed upon a structure that has been substantially damaged, regardless of the cost of the actual repair work performed.
2. This term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by a local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued listing.

“Temporary use” means a use established for a limited duration of not more than one year unless otherwise defined within the Development Code, with the intent to discontinue such use upon the expiration of the time period. Temporary uses may be renewable if approved by the Commission.

Travel Trailer. See “recreational vehicle” and “dwelling unit.”

“Use” means the purpose for which land or a structure is designated, arranged or intended, or for which it is occupied or maintained.

“Variance” means a grant of relief from the requirements of the Development Code which permits development in a manner that would otherwise be prohibited by the Development Code.

Vision Clearance Area. See the clear vision area requirements in Section 12.40.080.

“Wireless communication facility” means an unstaffed facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a

support structure, antennas or other transmission and reception devices. This definition shall be interpreted and applied as technology evolves to reflect changes in the manner of providing wireless communication services. These shall include devices defined and regulated by the 1996 Telecommunications Act of the United States of America.

“Yard” means space on a lot which is not covered by a structure except as otherwise provided in the Development Code.

Yard, Front. “Front yard” means a yard between side lot lines measured horizontally and at right angles from the front line to the nearest point of the building.

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

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

(Ord. 643 §§ 5-39, 2004; Ord. 642 § 3, 2003; Ord. 627 § 1, 2001; Ord. 614 § 1, 2000; Ord. 613 § 1 2000; Ord. 612 § 1, 2000; Ord. 583 § 7, 1998; Ord. 582 § 6, 1998; Ord. 573 § 2, 1996; DC § Art. 23)

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[12.08.010 Conformance to code required.](#)

No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved nor shall any building, structure or land be used or designed to be used for any use other than those permitted in the zone in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by all laws and codes. Any construction or use of land within the City of Jefferson not in compliance with the provisions of the Development Code; the general Municipal Code; county, state and federal regulations; and any established conditions of approval, constitutes a violation of the Development Code and may be addressed as provided in Chapter 12.10.

(Ord. 643 § 40, 2004; Ord. 612 § 3, 2000; DC § 1.060)

[12.08.020 Interpretation and application.](#)

In interpretation and application, the provisions of the Development Code shall be considered the minimum requirements necessary to accomplish the purposes set forth in the Development Code.

(Ord. 643 § 41, 2004; DC § 21.010)

[12.08.030 Planning Commission.](#)

It shall be the duty of the Planning Commission to:

- A. Interpret the provisions of the Development Code in such a way as to carry out their intent and purpose;
- B. Rule on the proper application or interpret the meaning of the Development Code in the event of a dispute.

(Ord. 643 § 42, 2004; DC § 21.020)

[12.08.040 Building permits.](#)

No permit for the construction or alteration of any building or part thereof shall be issued unless the development official determines that the plans, specifications, and intended use of such building conform in all respects to the provisions of this code.

(Ord. 612 § 4, 2000; DC § 22.010)

[12.08.044 Stop work orders.](#)

When work is being done contrary to the provisions of the Development Code, or contrary to any established conditions of approval, the Development Official may order the work stopped by notice in writing served on any persons engaged in the work. Any such persons shall immediately stop such work until authorized by the Development Official to proceed.

(Ord. 643 § 43, 2004; Ord. 612 § 5, 2000)

12.08.048 Certificates of occupancy.

- A. No certificate of occupancy shall be issued by the development official for any development unless all requirements of this code have been met, including any established conditions of approval, or until the applicant has provided financial security acceptable to the development official guaranteeing the completion of all requirements.
- B. Newly constructed buildings and newly placed manufactured structures shall not be occupied until a Certificate of Occupancy has been issued.
- C. Existing buildings shall not be used for a new category of use different from the previously existing use until a certificate of occupancy is issued. The new use shall be deemed to be a different category of use from the existing use when the new use is listed separately from the existing use on the schedule of permitted uses found in Section 12.12.040(B) and in Section 12.30.030.

(Ord. 642 § 4, 2003; Ord. 633 § 7, 2002; Ord. 612 § 6, 2000)

12.08.050 Acknowledgement and financial guarantee.

Before issuing or renewing a development permit for an applicant who has an obligation to construct improvements shown on the development plan, the reviewing authority may require that the applicant acknowledge the obligation. This acknowledgment shall contain the time within which it is to be met and a surety or performance bond; or cash; or negotiable security deposit; or written verification from an insured lending institution; or other guarantees approved by the council sufficient to cover one-hundred ten (110) percent of the cost of the work as estimated by the City for fulfillment of the obligation as anticipated, unless waived. The guarantee shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of the Development Code that bear on the approval of the development. The guarantee shall be forfeited to the City if the permittee does not fulfill the requirements. The guarantee shall remain in the custody of the City until the obligation is completed, or the guarantee is forfeited.

(Ord. 643 § 45, 2004; DC § 19.010)

12.08.060 Noncompliance with provisions under obligation.

- A. If the council finds that a permittee is not fulfilling an obligation, the council shall, in written notice to the permittee and the permittee's surety, specify the details of noncompliance. Unless the council allows more time for compliance because of circumstances beyond the permittee's control, within thirty (30) days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.
- B. If the permittee or the permittee's surety does not commence the compliance within thirty (30) days, or the additional time allowed by the council, or has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the City may take the following action:
1. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment;
 2. Demand payment from the permittee for the unfulfilled obligation;
 3. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.

C. If the guarantee is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

D. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the guarantee to compensate the City fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.

E. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(Ord. 643 § 46, 2004: DC § 19.020)

[12.08.080 Procedures for amending the Development Code, comprehensive land use plan, and urban growth boundary.](#)

A. A proposal to amend the Development Code, comprehensive land use plan including text, map designations and policies, or urban growth boundary, may be initiated by the Planning Commission, City Council, or by petition of owners as described in Section 12.76.040. Such proposals shall be considered under Type C procedures as outlined in Section 12.72.050 or by legislative action procedures as provided for in Section 12.08.100— 12.08.140.

B. The Planning Commission and City Council may adopt a schedule to limit the number of times annually for consideration of proposals for Comprehensive Plan amendments. If an emergency is declared by a vote of the City Council amendments may be considered at any time. In determining that an emergency situation does exist, the Council must adopt findings that the public interest would be best served by considering a Comprehensive Plan amendment request.

(Ord. 643 § 47, 2004: DC § 3.060)

[12.08.090 Comprehensive Plan and Development Code amendment criteria.](#)

A. Amendments to the Comprehensive Plan shall be accompanied by findings of compliance with the statewide planning goals.

B. Amendments to the Development Code shall be accompanied by findings of compliance with the relevant objectives and policies of the Comprehensive Plan.

C. Planning Commission and City Council deliberations on amendments to the Comprehensive Plan or to the Development Code may include consideration of the following:

1. Citizen review and comment;
2. Input from other affected government agencies;
3. Short- and long-term impacts;
4. Public benefit;
5. Reasonable alternative proposals;
6. Any other factors deemed relevant by Planning Commission or City Council.

(Ord. 643 § 48, 2004: DC § 3.070)

[12.08.100 Legislative actions.](#)

A. Nothing in this code shall limit the authority of the City Council to make changes in the Comprehensive Plan or Development Code provisions and designations by legislative act where such changes have broad application and where quasi-judicial proceedings would be unnecessary or impractical.

B. The Planning Commission and/or City Council may hold a public hearing on any legislative matter.

C. Any property owner or resident of the City may petition the Planning Commission to initiate a public hearing on any legislative matter.

(Ord. 643 § 49, 2004; DC § 2.050)

[12.08.110 Legislative hearing notice.](#)

Notice of a hearing on a legislative decision under this code need not include a mailing to property owners, except as required by state law. The development official may provide notice designed to reach persons believed to have a particular interest and to provide the general public with reasonable opportunity to be aware of the hearings on the proposal.

(Ord. 643 § 50, 2004; DC § 2.060)

[12.08.120 \[Renumbered to 12.72.145\].](#)

(Ord. 643 § 51, 2004; DC § 2.070)

[12.08.130 Planning Commission legislative recommendation.](#)

In preparing its recommendation, the Planning Commission may do any of the following:

- A. Require the proponent to identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these plan provisions;
- B. Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter;
- C. Prepare a recommendation and make findings in support of such recommendations.

(Ord. 643 § 52, 2004; DC § 2.080)

[12.08.140 City Council legislative action.](#)

A. The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:

- 1. Compliance with the plan;
- 2. Appropriateness of the legislative process;
- 3. Policy changes or refinements proposed.

B. In reaching a decision on a legislative matter, the council may adopt findings applicable to the relevant criteria in support of the decision.

C. When making a decision on a legislative matter the City Council may take any of the following steps:

- 1. Enact or defeat an ordinance on all or part of the proposal under consideration;
- 2. Refer some or all of the proposal back to the Planning Commission for further consideration.

(Ord. 643 § 53, 2004; DC § 2.090)

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Chapter 12.10 VIOLATIONS AND ENFORCEMENT

[12.10.010 Investigations.](#)

Upon receiving information concerning a violation of this code, the development official may conduct, or cause to be conducted, an investigation determining whether a violation exists. The development official may request the assistance of other City departments and officers in the conduct of such investigations.

(Ord. 612 § 8 (part), 2000)

[12.10.020 Notice of violation.](#)

- A. Upon determination that a violation exists, the development official shall promptly give notice of the alleged violation to the owner of record as contained in the county assessor's files for tax purposes, and to the person in charge of the property.
- B. Such notice shall be sent by certified first class mail, return receipt requested, or personal service.
- C. Such a notice shall indicate the following:
 - 1. Location and nature of the violation; and
 - 2. Provision or provisions of this code which have been violated; and
 - 3. The date, time and location of the meeting at which the alleged violation will be considered by the Planning Commission; and
 - 4. Information on the procedures and sanctions authorized in this chapter.
- D. The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside the state.
- E. A defect in the notice of violation with respect to such matter shall not prevent enforcement of this code.
- F. If the violation involves an approval previously granted by the Planning Commission, the notice of violation may be sent to the property owners within the appropriate radius for that type of application.

(Ord. 612 § 8 (part), 2000)

[12.10.040 Enforcement by development coordinator.](#)

Upon a determination by the development coordinator that a violation of this code exists, the development official shall prepare and deliver to the city attorney a request for prosecution indicating the location and nature of the violation, the applicable code sections, the deadline set for compliance and other information from the investigation and the hearing. The city attorney shall proceed with any legal or equitable action deemed appropriate, as soon as the compliance deadline if any has expired, unless:

- A. It has been demonstrated to the city attorney that the violation has been corrected, removed, or will not be committed; or
- B. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the

violation; or

C. Enforcement has been halted pending the outcome of an appeal filed as provided in Section 12.72.190.

(Ord. 612 § 8 (part), 2000)

[12.10.050 Sanctions.](#)

A violation of this code may be the subject of criminal, civil, or other sanctions as set out below and as authorized under the ordinances of the City of Jefferson. Imposition of any one sanction shall not be a bar to imposition of additional sanctions.

A. Any violation of this code constitutes a civil infraction as provided in Chapter 1.12. A civil penalty may be imposed by the city attorney as provided in Section 1.12.040.

B. Any violation of this code constitutes a public nuisance and may be abated as provided in Chapter 5.04.

C. Any violation of this code may be subject to a civil action for any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

D. A development approval previously granted under this code may be revoked upon a determination that a violation of a condition of approval exists. A revocation shall be processed using the same process for notice, hearings, decision and appeals that would apply to a new application of the same type as the previously granted development approval.

(Ord. 612 § 8 (part), 2000)

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For the purposes of the Development Code the City is divided into the following zoning districts:

Agricultural	F
Low density residential	R-1
Medium density residential	R-2
High density residential	R-3
Commercial	C
Industrial	I
Mixed use	MU

(Ord. 642 § 5, 2003: DC § 5.010)

[12.12.020 Establishment of special purpose districts.](#)

Special purpose districts are overlay districts which may be combined with any zoning district. The regulation of a special purpose district shall be supplementary to the regulations of special purpose district and the zoning district shall apply. Where the regulations and permitted uses of a zone district conflict with those of the special purpose district, the more restrictive standards shall apply. The special purpose district applicable in the City is floodplain.

(Ord. 642 § 6, 2003: DC § 5.020)

[12.12.030 Summary and intent of zoning districts.](#)

- A. The agricultural (F) district is intended to provide areas for the continuation of farm uses, open space conservation and flood hazard buffers within the City.
- B. The residential (R) districts are intended for all residential urban uses, together with compatible land uses as determined to be describable and/or necessary. These districts are created in recognition of the need to provide a sufficient amount of buildable land to meet the projected housing growth within the City and its urban growth boundary.
- C. The commercial (C) district is intended to provide a location for a wide range of commercial and business facilities.
- D. The industrial (I) district is intended to provide areas for manufacturing, assembling, packaging, wholesaling and related activities which have a limited detrimental impact on the environment and adjoining districts and uses.
- E. The Mixed Use (MU) district is intended to be the heart of the community, with a mix of commercial, residential, civic and historic uses.

(Ord. 642 § 7, 2003; DC § 5.030)

[12.12.040 Permitted uses.](#)

A. Permitted uses in the MU zone are listed in Sections 12.30.030 and 12.30.040. Permitted uses for all other zones are listed below. The following abbreviations and meanings are used in the list of permitted uses:

- P Permitted using procedures as stated in Section 12.72.060 and Chapter 12.88;
- C A use for which a conditional use permit must be granted (see Section 12.84.010); and
- * The use is not permitted in the zone indicated.

B. Schedule of Permitted Uses.

Uses	Zones					
	R-1	R-2	R-3	C	I	F
Accessory buildings	P	P	P	P	P	P
Advertising agencies	*	*	*	P	P	*
Agriculture	*	*	*	*	*	P
Agricultural machinery sales and service	*	*	*	C	P	*
Ambulance service	*	*	*	P	P	*
Appliance sales and service	*	*	*	P	P	*
Art supplies and hobby shops	*	*	*	P	C	*
Auction sales and secondhand stores (excluding livestock)	*	*	*	P	P	*
Auction sales and secondhand stores (including livestock)	*	*	*	*	P	*
Auditoriums and movie theaters	*	*	*	P	*	*
Automobile mechanical repair, painting and body repair	*	*	*	C	P	*
Automobile parts and accessory store	*	*	*	P	P	*
Automobile repair garages	*	*	*	C	P	*
Automobile rental services	*	*	*	P	*	*
Automobile sales to include new and used vehicles	*	*	*	C	C	*
Automobile storages and distribution	*	*	*	*	P	*
Bakeries (retail only)	*	*	*	P	C	*
Bakeries (wholesale only)	*	*	*	C	P	*
Banks, savings and loans, credit unions and title companies	*	*	*	P	C	*
Barber and beauty shops	*	*	*	P	*	*
Bars and night clubs	*	*	*	C	*	*
Bicycle shops	*	*	*	P	*	*
Book stores (except adult)	*	*	*	P	*	*
Book stores (adult)	*	*	*	C	*	*
Bowling alleys	*	*	*	P	*	*
Building maintenance services	*	*	*	P	P	*
Building supply sales	*	*	*	P	P	*

Bulk cleaning and laundry plants	*	*	*	C	P	*
Bus and taxi terminals	*	*	*	C	C	*
Cabinet shops	*	*	*	C	P	*
Camera and supply shops	*	*	*	P	*	*
Car washes	*	*	*	P	C	*
Cemeteries	C	C	C	*	C	*
Chemical distribution	*	*	*	*	C	*
Child care center	C	C	C	C	C	C
Child care home	P	P	P	*	*	P
Churches and chapels (including the expansion of existing buildings)	C	C	C	C	C	C
Clinics	C	C	C	P	*	*
Clothing stores	*	*	*	P	*	*
Clubs, lodges and meeting halls	*	*	*	P	*	*
Cold storage warehouses	*	*	*	*	P	*
Community centers	C	C	C	C	C	*
Conditional use permit can be issued provided that at least one side of the property abuts a commercial, mixed use or residential zone						
Concrete mixing (concrete batch plants)	*	*	*	*	P	*
Confectionery stores	*	*	*	P	*	*
Contractor equipment storage yards	*	*	*	*	P	*
Dairy product stores (retail)	*	*	*	P	C	*
Data processing centers	*	*	*	P	C	*
Delicatessens	*	*	*	P	P	*
Department and drapery stores	*	*	*	P	*	*
Distribution outlets, wholesale and retail for sand and gravel, sawdust, barkdust, compost, barkrock	*	*	*	*	P	*
Dry cleaners, coin operated and/or attendant operated (except bulk dry cleaning plants)	*	*	*	P	*	*
Electrical and electronic supplies, electrical service	*	*	*	P	P	*
Exterminating and pest control	*	*	*	C	P	*
Feed and seed stores	*	*	*	P	P	*
Film processing, photo engraving, photocopying and photostating	*	*	*	P	P	*
Fire stations, substations	C	C	C	C	C	C

Florists	*	*	*	P	*	*
Frozen food rental lockers	*	*	*	P	P	*
Fuel supply and storage	*	*	*	*	P	*
Games and amusements	*	*	*	P	P	*
Home occupations	P	P	P	P	P	P
Hospitals	C	C	C	P	*	*
Incineration or reduction of garbage, dead animals, offal or refuse	*	*	*	*	C	*
Industrial equipment sales and services	*	*	*	*	C	*
Jewelry stores	*	*	*	P	*	*
Kennels	*	*	*	C	P	P
Laboratories, x-ray, medical and dental	*	*	*	C	P	*
Laundromats, hand laundries and self-service Laundries	*	*	*	P	*	*
Liquor stores (package)	*	*	*	P	*	*
Machine shops	*	*	*	C	P	*
Major lumber and wood products, by-products, processing plants to include saw mills, paper mills, etc.	*	*	*	*	P	*
Manufacturing, assembly, testing and repair of components, devices, equipment and systems of an electronic or electromechanical nature and precision equipment	*	*	*	C	P	*
Manufacturing, compounding, bottling, processing, packaging, or treatment of food and beverage products	*	*	*	C	P	*
Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of such facilities to include cosmetics, drugs, glass, leather, paint, ceramics, paper, perfume, plaster, plastics, stone, textiles, rubber, wood, metal products and chemicals	*	*	*	C	P	*
Mobilehome manufacture and storage	*	*	*	*	P	*
Mobilehome parks	C	C	C	*	*	*
Mobilehome sales and service	*	*	*	C	C	*
Mobilehome subdivisions	C	C	C	*	*	*
Mortuaries	*	*	*	P	*	*
Moving and storage companies	*	*	*	C	P	*
Museums	C	C	C	C	C	C
Music stores	*	*	*	P	*	*
Natural mineral resources, processing and manufacturing	*	*	*	*	P	*

Newspaper offices	*	*	*	P	*	*
Nurseries and greenhouses	*	*	*	C	P	*
Offices for medical, dental and other professional uses including accountants, attorneys, architects, engineers, real estate, investment, employment, etc.	*	*	*	P	C	*
Offices for retail and wholesale businesses	*	*	*	P	C	*
Office supply and equipment stores	*	*	*	P	C	*
Parking areas or garages	*	*	*	C	P	*
Pet stores and supplies	*	*	*	P	*	*
Plumbing and electrical wholesale supplies and services	*	*	*	C	P	*
Pharmacies and drug stores	*	*	*	P	*	*
Post offices and parcel services	*	*	*	P	P	*
Printing and publishing	*	*	*	P	P	*
Public and semipublic buildings	C	C	C	C	C	C
Public and semipublic utility facilities	C	C	C	C	C	C
Public parks and playgrounds	C	C	C	C	C	C
Radiator service and repair	*	*	*	C	P	*
Radio transmitters and towers	*	*	*	*	C	*
Recreational vehicle storage	*	*	*	*	P	*
Rental service vehicle, equipment, miscellaneous	*	*	*	C	P	*
Research laboratories	*	*	*	C	P	*
Residential care facility	C	C	C	C	C	C
Residential care home	P	P	P	*	*	P
Residential uses—duplex	C	P	P	*	*	*
Residential uses—three and four units per lot	*	C	P	*	*	*
Residential uses—more than four units per lot	*	*	P	*	*	*
Residential uses—single-family	P	P	P	*	*	P
Residential uses—in conjunction with a commercial use, provided that a dwelling does not occupy the front 25 feet of the building's ground floor facing the principal street, except that one 6-foot wide separate entrance to the residential use may be allowed on the principal street at the ground floor level	*	*	*	C	C	*
Recycling center	*	*	*	C	C	*
Restaurants	*	*	*	P	P	*
Schools (public and private)	C	C	C	C	*	C
Schools (business)	*	*	*	P	C	*

Secondhand dealers	*	*	*	P	P	*
Security business	*	*	*	P	P	*
Self-store lockers and storage	*	*	*	C	P	*
Septic tank and sewer repair services	*	*	*	*	P	*
Service stations	*	*	*	C	P	*
Shoe store and repair	*	*	*	P	*	*
Single-family dwellings (only when the use requires an on-site groundskeeper or night watchman)	*	*	*	C	C	*
Single mobilehome office—temporary	*	*	*	C	C	*
Skating rinks, indoor	*	*	*	C	*	*
Slaughter houses, tanneries	*	*	*	*	C	*
Small animal clinics and hospitals	*	*	*	C	P	*
Sporting goods stores	*	*	*	P	*	*
Storage buildings, warehousing, sales and distribution centers for household or consumer goods	*	*	*	C	P	*
Studios for interior decorators, photographers and artists	C	C	C	P	*	*
Tailors or dressmaking shops	*	*	*	P	*	*
Taverns and pool halls	*	*	*	C	P	*
Taxidermists	*	*	*	P	P	*
Telephone and telegraph	*	*	*	P	P	*
Television, radio sales and service, and broadcasting studios	*	*	*	P	*	*
Towing services	*	*	*	C	P	*
Toy stores	*	*	*	P	*	*
Travel and employment agencies	*	*	*	P	*	*
Upholstery shops	*	*	*	P	P	*
Utility distribution plants and service yards	*	*	*	*	P	*
Variety stores	*	*	*	P	*	*
Video rental and sales	*	*	*	P	*	*
Vocational schools	*	*	*	P	P	*
Welding shops	*	*	*	C	P	*
Wholesale businesses	*	*	*	C	P	*
Wireless communication facility	*	*	*	C	C	*

(Ord. 649 § 18, 2004; Ord. 643 §§ 54-55, 2004; Ord. 642 § 8, 2003; Ord. 627 § 2, 2001; Ord. 582 § 1, 1998; Ord. 548 § 1, 1995; Ord. 536 § 3 (part), 1993; DC §§ 5.040, 5.050)

[12.12.050 Other uses.](#)

Where a use is not authorized in any district, or where ambiguity exists concerning the appropriate classification of a particular use or type of development within the intent of the Development Code, said use or type of development may be established by a conditional use permit in accordance with Chapter 12.84 provided that in the judgment of the Planning Commission, the proposed use is not objectionable to the general welfare.

(Ord. 643 § 56, 2004; Ord. 536 § 3 (part), 1993; DC § 5.060)

[12.12.060 Uncertainty of district boundaries.](#)

Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property and where a zone boundary divided a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.
- C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the center line shall apply up to the center line of such vacated street or alley on each respective side thereof.
- D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in the Development Code, shall be deemed to be unclassified and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, and other operative devices and movement of rolling stocks.

(DC § 20.000)

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Agricultural uses shall be in conformance with these provisions as outlined in this chapter.

(DC § 6.010)

[12.16.020 Lot area.](#)

A. The minimum lot area in an agricultural zone shall be twenty thousand (20,000) square feet. Where domestic animals are kept, the total number of such animals, other than their young under the age of six months, allowed on a lot shall be limited to the square footage of the lot divided by the minimum areas required for each animal as listed below:

1. Horses, cattle: ten thousand (10,000) square feet of area;
2. Goats, sheep: five thousand (5,000) square feet of area;
3. Bee colonies: one thousand (1,000) square feet of area;
4. Fowl, rabbits: five hundred (500) square feet of area.

B. The area of the property may be utilized one time only for the computation of the above animal usage.

(DC § 6.010(A))

[12.16.030 Lot dimensions.](#)

The minimum lot width in an agricultural zone shall be one hundred twenty-five (125) feet. The minimum lot depth within an agricultural zone shall be one hundred twenty-five (125) feet.

(DC § 6.010(B))

[12.16.040 Lot coverage.](#)

The maximum lot coverage in an agricultural zone shall not exceed twenty-five (25) percent.

(DC § 6.010(C))

[12.16.050 Setback/yard requirements.](#)

Within the agricultural zone the following setbacks shall apply:

- A. The minimum front yard setback shall be fifteen (15) feet from the property line, provided that a minimum of twenty (20) feet of setback must be maintained in front of any garage to allow for adequate vehicle parking in the driveway.
- B. The minimum rear yard setback in an agricultural zone shall be twenty-five (25) feet for dwellings and fifty (50) feet for all other structures.

C. The minimum side yard setback in an agricultural zone shall be ten (10) feet for dwellings and twenty-five (25) feet for all other structures.

(DC § 6.010(D))

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Chapter 12.20 RESIDENTIAL (R) DISTRICT STANDARDS

[12.20.010 Residential standards.](#)

Residential uses shall be in conformance with the provisions outlined in this chapter.

(DC § 6.020)

[12.20.020 Lot area.](#)

The minimum lot areas within the residential districts shall be as follows:

- A. Single-family dwellings: six thousand (6,000) square feet;
- B. Two-family dwellings: eight thousand (8,000) square feet;
- C. Three-family dwellings: ten thousand (10,000) square feet;
- D. Four-family dwellings: twelve thousand (12,000) square feet;
- E. Five to twenty (20) units: two thousand (2,000) square feet per unit plus four thousand (4,000) square feet;
- F. Twenty (20) to thirty-seven (37) units: one thousand seven hundred fifty (1,750) square feet per unit plus nine thousand two hundred fifty (9,250) square feet;
- G. Thirty-eight (38) to sixty-three (63) units: one thousand five hundred (1,500) square feet per unit plus eighteen thousand five hundred (18,500) square feet;
- H. Over sixty-three (63) units: one thousand five hundred (1,500) square feet per unit plus fifty thousand (50,000) square feet.

(DC § 6.020(A))

[12.20.030 Lot dimensions.](#)

- A. The minimum average lot width for a single-family residence shall be sixty (60) feet, except along the bulb of a cul-de-sac where the minimum width shall be seventy (70) feet at the building line.
- B. For permitted multifamily residences, the minimum average lot width shall be seventy-five (75) feet. The minimum lot frontage shall be twenty-five (25) feet on a public street.
- C. On cul-de-sac bulbs the frontage shall be measured at the chord distance of the arc of the bulb.
- D. The minimum lot depth shall be eighty (80) feet. No lot shall be dimensioned to contain part of an existing street. Lot depth shall not exceed two and one-half times the average lot width.

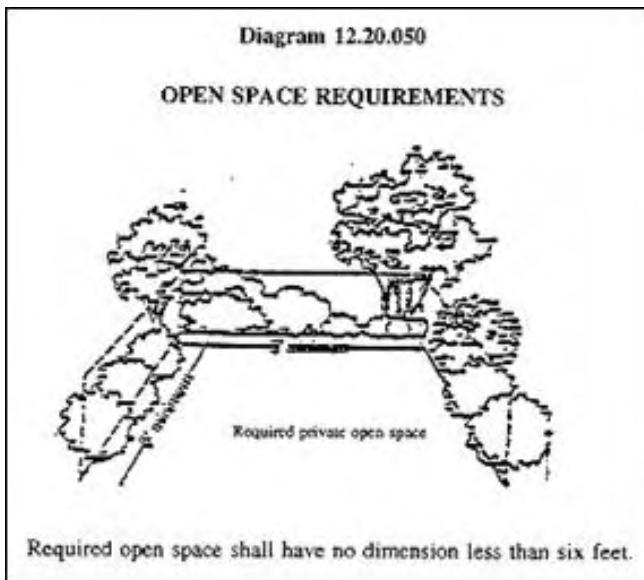
(DC § 6.020(B))

[12.20.040 Setback/yard requirements.](#)

Within the residential zone the following setbacks shall apply:

- A. The minimum front yard setback in a residential zone shall be fifteen (15) feet from the property line provided that a minimum of twenty (20) feet shall be maintained in front of any garage to allow for adequate parking. All corner lots shall be considered as having two front yards. See “lot line, front” definition, Section 12.04.080.
 - B. The minimum rear yard setback in a residential zone shall be twenty (20) feet for a dwelling and five feet for an accessory building from the rear lot line.
 - C. The side setback in a residential zone shall be a minimum of five feet; however any point of a building exceeding fifteen (15) feet in height must have a setback from a side property line equal to or greater than one-third the height of that point. The height shall be measured from grade level adjacent to the building wall which is closest to the side property line.
 - D. Where permitted, multifamily structures or more than two separate dwelling units which are grouped as one project on a tract of land, the minimum distance between two buildings at any point shall not be less than the sum of the required side yards computed separately for each building. Also, each multi-family development shall provide at least one continuous common use open space for all the occupants. Such open space shall be at least one thousand (1,000) square feet in area for the first five units, plus one hundred fifty (150) square feet for each additional unit over five. This common area shall be no less than thirty (30) feet in any dimension, and there shall be no parking allowed within this open space.
 - E. When a residential building is sited within twenty-eight (28) feet of street right-of-way, the building shall contain entrances, directly accessible from the street, to individual units, clusters of units or common interior alleys.
- (Ord. 633 § 1, 2002; Ord. 614 § 4, 2000; Ord. 583 § 1, 1998; Ord. 582 § 2, 1998; Ord. 576 § 1, 1997; Ord. 573 § 1, 1997; DC § 6.020(C))

12.20.050 Open space requirements.



The following standards shall be applied to all multiple-family dwellings placed in any residential zoned district within the City:

- A. **General Open Space.** Open space shall be provided in all newly constructed multiple-family developments. Exclusive of required yards, a minimum fifteen (15) percent of gross site area shall be designated and permanently reserved as open space.
- B. **Common Open Space.** Each multifamily development shall provide at least one continuous common use open space for all the occupants. Common open space shall be at least five hundred (500) square feet in area with no horizontal dimension less than twenty (20) feet.
 - 1. Multiple-family development must designate two hundred fifty (250) square feet of children’s play or adult recreation area for every twenty (20) units or increment of twenty (20) provided. No horizontal dimension shall be less than fifteen (15) feet.

2. Placement of children's play areas and adult recreation areas shall not be allowed in any required or buffer yard or parking space.

C. Private Open Space. All private open space shall be directly accessible from the dwelling unit through a doorway. In all newly constructed multiple-family developments:

1. Dwellings located at finished grade, or within five feet of finished grade, shall provide a minimum of ninety-six (96) square feet of private open space per dwelling unit, with no dimension less than six feet;
2. Dwellings located more than five feet from the finished grade shall provide a minimum of forty-eight (48) square feet of private open space per dwelling unit, with no dimension less than six feet.

(Ord. 582 § 3, 1998; DC § 6.020(D))

[12.20.055 Purpose and intent of residential design standards.](#)

The purpose and intent of the residential design standards in Sections 12.20.055 through 12.20.080 is to:

- A. Protect and enhance the community livability, character, welfare, health, and safety.
- B. Enhance the environmental, aesthetic and visual quality of the City.
- C. Safeguard the economic value of public and private investments.
- D. Encourage new development to be architecturally and aesthetically compatible with the community.

(Ord. 633 § 2, 2002)

[12.20.060 Residential design standards.](#)

The following standards shall be applied to all single-family dwellings placed in any residential zoned district within the City:

A. All units shall utilize at least three of the following design features to provide visual relief along the street frontage of a single-family home:

1. Dormers;
2. Gables;
3. Bay or bow windows;
4. Off-sets on building face;
5. Window shutters;
6. Roof pitch greater than or equal to nominal 6:12;
7. Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three-tab asphalt shingles);
8. Horizontal lap siding;
9. Garage set at least ten (10) feet behind the front face of the primary dwelling unit;
10. Architectural or decorative pillars (not including simple 4x4 posts);
11. Brickwork or masonry.

B. All dwellings on individual lots in any residential district (R zone) shall:

1. Have a garage or carport with the exterior material (including siding and roofing) matching the dwelling. A garage (rather than a carport) shall be required if there are garages with existing dwellings on six out of the nine residential lots with front lot lines closest to the new dwelling;

2. Have eaves (minimum six inches projection);
3. Have a covered porch or a recessed (minimum sixteen (16) inches) entry roof.

(Ord. 633 § 3, 2002; Ord. 582 § 4, 1998; DC § 6.020(E))

12.20.070 Street-facing façades.

At least twelve (12) percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. For a corner lot, only one side of the dwelling must meet this standard.

(Ord. 633 § 4, 2002)

12.20.080 Main entrances.

At least one main entrance for each structure must be within eight feet of the longest street-facing wall of the dwelling unit and meet one of the following:

- A. Face the street; or
- B. Be at an angle of up to forty-five (45) degrees from the street; or
- C. Open onto a porch or breezeway that meets the following requirements:
 1. Be at least twenty-five (25) square feet in area;
 2. Have at least one access facing the street; and
 3. Have a roof that is no more than twelve (12) feet above the floor and at least thirty (30) percent solid. This standard may be met by having thirty (30) percent of the area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than seventy (70) percent of the area of the material is open.

(Ord. 633 § 5, 2002)

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12.24.010 Commercial standards.

Commercial uses shall be in conformance with the provisions outlined in this chapter.

(DC § 6.030)

12.24.020 Lot area.

The minimum lot area in a commercial zone shall be seven thousand (7,000) square feet.

(DC § 6.030(A))

12.24.030 Lot dimensions.

The minimum lot width in a commercial zone shall be sixty (60) feet except in the case of a cul-de-sac, where the minimum width may be twenty-five (25) feet along the bulb of the cul-de-sac (as measured on the long chord), with a minimum of sixty (60) feet at the building lines. The minimum lot depth shall be seventy-five (75) feet.

(DC § 6.030(B))

12.24.040 Setback/yard requirements.

Within the commercial zone the following setbacks shall apply:

- A. There is no required front yard in a commercial zone with the exception that all developments must conform to the vision clearance provisions of the Development Code.
- B. There is no required rear yard in a commercial zone except where a commercial zone abuts a residential district. In such case a twenty (20) foot rear yard shall be required. Further, no structural improvements, other than road surfacing, shall be allowed within ten (10) feet of the center line of an alley.
- C. There is no side yard required in a commercial zone except when a side yard is created. It shall be a minimum of three feet.

(DC § 6.030(C))

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12.28.010 Industrial standards.

Industrial uses shall be in conformance with the provisions outlined in this chapter.

(DC § 6.040)

12.28.020 Lot area.

The minimum lot area in an industrial zone shall be nine thousand (9,000) square feet.

(DC § 6.040(A))

12.28.030 Lot dimensions.

The minimum lot width in an industrial zone shall be seventy-five (75) feet. Where an industrial lot fronts upon a cul-de-sac, the minimum frontage along the bulb of the cul-de-sac shall be forty (40) feet. The minimum lot depth shall be eighty-five (85) feet.

(DC § 6.040(B))

12.28.040 Setback/yard requirements.

Within the industrial zone the following setbacks shall apply:

A. The minimum front yard setback in an industrial zone shall be twenty (20) feet. With the exception of the front eight feet, the front yard may be used for parking. On corner lots, vision clearance shall be maintained in compliance with the Development Code.

B. There is no required side yard in an industrial zone with the following exceptions:

1. Where an industrial zone abuts a residential district, a twenty (20) foot side yard shall be required;
2. Where side yards are created, not adjacent to a residential zone, they shall be a minimum of three feet.

C. There is no rear yard required in an industrial zone except where an industrial zone abuts a residential zone; then a twenty (20) foot rear yard is required.

(DC § 6.040(C))

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Chapter 12.30 MIXED USE (MU) DISTRICT

[12.30.010 Purpose.](#)

Chapter 12.30 provides standards for land use and development in Jefferson's Mixed Use District. The district is envisioned as the heart of the community, with a mix of commercial, residential, civic and historic uses in a pedestrian-friendly setting. The district standards are intended to preserve and enhance the historic storefront and residential character of the area; support commercial revitalization; encourage walking to and within the mixed use district; and encourage complementary uses to locate close to one another.

(Ord. 642 § 1 (part), 2003)

[12.30.020 Applicability.](#)

Development and land use within the Mixed Use District, as shown on the zoning map, shall be in conformance with the provisions outlined in this chapter. In addition, the Mixed Use District is divided into sub zones, described below, with specific regulations applicable within each sub zone.

- A. The Main Street sub zone places primary emphasis on the pedestrian environment.
- B. The Highway sub zone is intended to accommodate pedestrians while equally balancing the accommodation of automobiles.

(Ord. 642 § 1 (part), 2003)

[12.30.030 Permitted uses.](#)

The following uses are permitted in the Mixed Use District:

- A. Single-unit dwellings;
- B. Accessory dwellings, subject to the standards of Chapter 12.62;
- C. Two-, three-, and four-unit residential uses (duplex, triplex and fourplex);
- D. Home occupations;
- E. Hotels, inns, bed and breakfast inns, and similar residential-lodging uses;
- F. Retail trade and services including manufacturing of goods to be sold on the premises, except for uses with drive-up facilities (allowed conditionally in highway sub zone, see Section 12.30.044);
- G. Food and beverage sales and services (e.g., catering/food services, restaurants, cafes, cocktail lounges, bars, taverns, brew pubs, and public houses), except for uses with drive-up facilities (allowed conditionally in highway sub zone, see Section 12.30.044);
- H. Personal and professional services (laundromats and dry cleaners; barber shops and salons; banks and financial institutions; professional offices; medical, dental and veterinary clinics; child care; and similar uses), except for uses with drive-up facilities (allowed conditionally in highway sub zone, see Section 12.30.044);

- I. Entertainment and performing arts uses (e.g., theaters, clubs, and amusement uses).
- J. Mixed use development (residential with another permitted use). Existing buildings may be redeveloped with a mix of uses (e.g., living space above artist studio, retail, office, or other permitted use);
- K. Multi-family housing (five or more dwelling units or abutting lots of the same ownership), provided that multiple family residential uses do not occupy more than 50 percent of ground-floor space on an individual lot or abutting lots under the same ownership;
- L. Public buildings, structures and uses that receive the public (e.g., post office, library, school, museum, churches, community center, government offices, public plazas and parks, and similar uses). Utilities, public parking facilities, and other public uses which are integral to Jefferson's Mixed Use District redevelopment and the purpose of this district, are also permitted;
- M. Uses that the development official finds to be similar to a use in this section.

(Ord. 649 § 1, 2004; Ord. 642 § 1 (part), 2003)

[12.30.040 Conditional Uses.](#)

- A. Proposed uses or site designs listed as conditionally permitted in this chapter may be approved under a conditional use permit as provided in Chapter 12.84.
- B. All conditional use permits within the mixed use zone must meet an additional criterion as follows: The overall impact of the development enhances, rather than detracts from, the pedestrian environment. Appropriate conditions may be placed upon a development to accomplish this requirement.
- C. All conditional use permits within the mixed use zone will include a condition to require a review one year after the new use is initiated to ensure that the special condition in subsection B is being met in the ongoing operations.
- D. The one-year review shall be conducted as a Type B hearing with notice.
- E. If the Planning Commission finds that the development is in compliance with the special condition in subsection B, no further reviews are mandated.
- F. If the Planning Commission finds that the development is not in compliance with the special condition in subsection B, then the Commission may modify existing conditions of approval or apply new conditions as needed for compliance. These modified or new conditions shall include a condition to require another review as specified in subsection C one year after they are implemented.

(Ord. 649 § 2, 2004; Ord. 642 § 1 (part), 2003)

[12.30.044 Drive-up facilities.](#)

- A. Drive-up facilities are prohibited within the Main Street sub zone.
- B. Drive-up facilities are conditionally permitted within the Highway sub zone under the provisions of Chapter 12.84.
- C. Drive-up facilities include, but are not limited to: restaurant and fast food drive-up windows, bank machines and teller windows, gas stations existing prior to September 13, 2003, and similar facilities.
- D. Drive-up facilities do not include vehicle sales, service, and repair, new gas stations, oil change facilities, car washes, and similar uses

(Ord. 649 § 3, 2004)

[12.30.048 Vehicle related uses.](#)

- A. Vehicle related uses are prohibited within the Main Street sub zone
- B. Vehicle related uses are conditionally permitted within the Highway sub zone under the provisions of Chapter 12.84.
- C. Vehicle related uses include, but are not limited to: Vehicle sales, service, and repair, new gas stations, oil change facilities, car washes, vehicle and equipment rental, and similar uses.

(Ord. 649 § 4, 2004)

[12.30.050 Prohibited uses.](#)

The following uses are prohibited:

- A. Uses listed as prohibited in 12.30.044 or 12.30.048.
- B. Telecommunication towers, utility substations, and similar facilities.
- C. Other uses not expressly allowed under Sections 12.30.030, 12.30.040, 12.30.044 and 12.30.048.

(Ord. 649 § 5, 2004; Ord. 642 § 1 (part), 2003)

[12.30.060 Change in use.](#)

Prior to commencement of a new use that is a change from one subsection listed in 12.30.030 to a different subsection, approval must be obtained through the “Written comment” procedure specified in Section 12.72.025 to ensure conformance with the provisions of this chapter and other applicable standards. Changes in use that are within the same subsection of 12.30.030 do not require review or approval, but a certificate of occupancy must be obtained for the new use.

(Ord. 642 § 1 (part), 2003)

[12.30.070 Accessory uses.](#)

Any uses, buildings, or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted.

(Ord. 642 § 1, 2003)

[12.30.080 Lot requirements.](#)

- A. Lot Coverage: No maximum lot coverage requirement, except that other standards may preclude full lot coverage one hundred (100) percent for some land uses.
- B. Lot Area: No new lot shall be created less than three thousand five hundred (3,500) square-feet. This shall not prevent development upon existing lots less than three thousand five hundred (3,500) square-feet provided that other requirements of this Code are met.
- C. Lot Width/Depth: No new lot shall be created with lot width or lot depth less than thirty (30) feet. This shall not prevent development upon existing lots with width or depth less than thirty (30) feet provided that other requirements of this Code are met.

(Ord. 649 § 6, 2004; Ord. 642 § 1 (part), 2003)

12.30.090 Building setbacks.

- A. In the Mixed Use District, the preferred location for commercial and mixed use buildings is close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are also flexible to encourage public spaces between the sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks) and additional setbacks where ground-floor residences are built or remodeled.
- B. There is no required front yard.
- C. At least sixty (60) percent of the front building elevation must be at the front property line (zero-foot front yard setback), except as provided below:
1. Additional setback distance is allowed to place a public plaza, extra-wide sidewalk, outdoor seating area, patio with benches, landscaping, etc. between the street sidewalk and building.
 2. There is no maximum front setback for residential and live/work structures.
 3. Within the Highway sub zone, the maximum setback may be waived through a conditional use permit.
- D. There are no required side yard or rear yard setbacks, except for the buffering and screening requirements in Section 12.42.100.
- E. There is no maximum side yard or rear yard.
- (Ord. 649 § 7, 2004; Ord. 642 § 1 (part), 2003)

12.30.100 Building orientation.

- All new buildings and major remodels or additions (equal to fifty (50) percent or more of existing floor area) shall meet all of the following building orientation standards to ensure storefront character and pedestrian-oriented design:
- A. Every building elevation fronting a street or alley shall have an entrance oriented to (i.e., facing) the respective street and alley, as generally shown in Diagram 12.30.100. Building entrances may include doorways to individual building spaces, lobby entrances, or courtyard and plaza entrances (i.e., passages to a cluster of spaces);
- B. Off-street parking, driveways, or other vehicular circulation shall not be located between a building and the street right-of-way. Parking areas shall be on the side or rear of the building, and when adjacent to a public right-of-way, shall be screened with landscaping, as provided under Section 12.30.140(D) [Editor's Note: The correct cross-reference is 12.30.120 (D)]. This does not apply to alleys, and within the Highway sub zone it may be waived through a conditional use permit.
- C. Maintain accessible sidewalk clearance of not less than four feet, as provided under Section 12.48.200.
- D. Residential garages with entrances facing the street shall be recessed behind the front building elevation by least four feet.

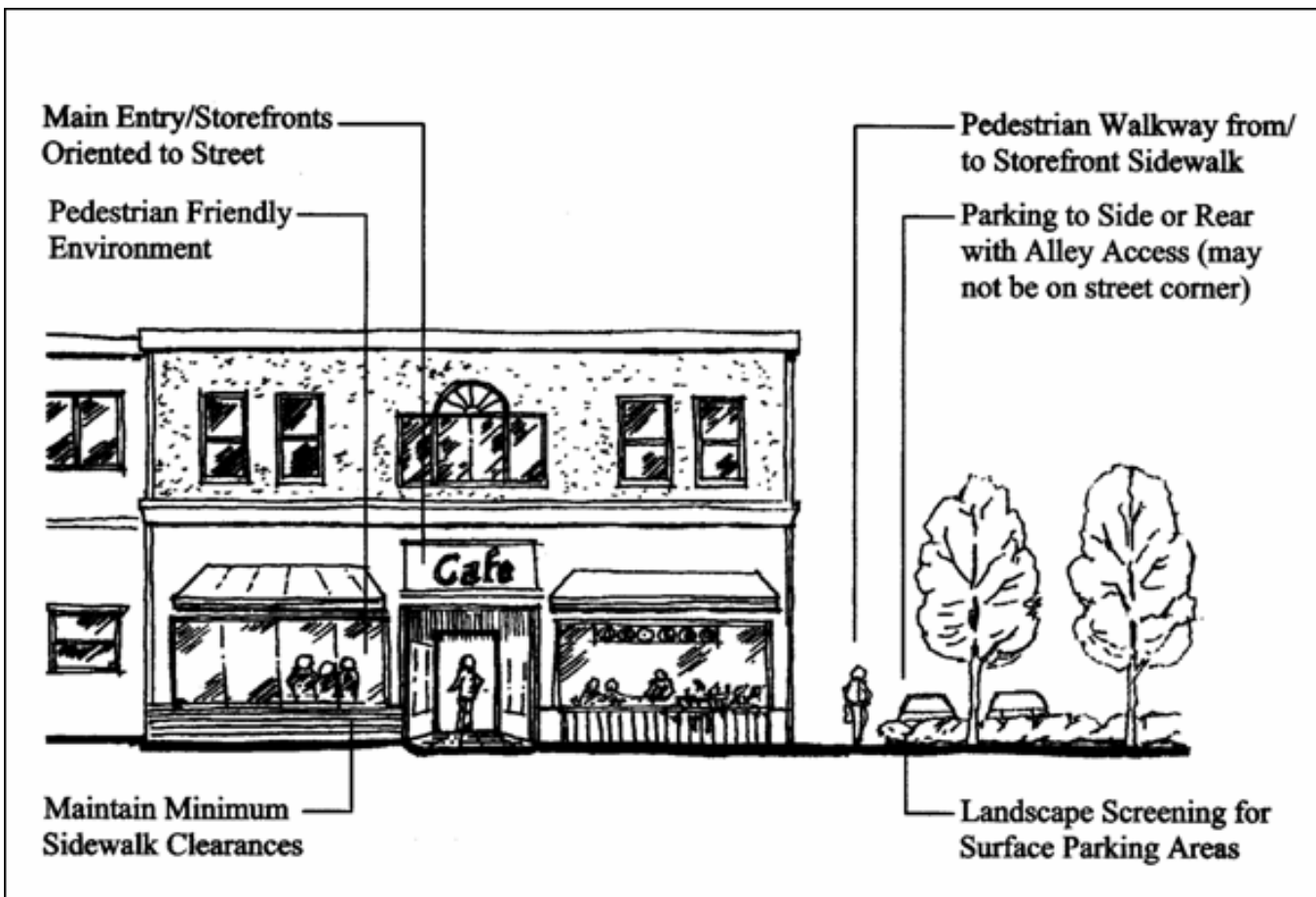


Diagram 12.30.100—Building Orientation (Typical)

(Ord. 649 § 8, 2004; Ord. 642 § 1, 2003)

12.30.110 Building height.

The building height standard is intended to allow for the development of appropriately scaled buildings with a storefront character, and encourage mixed use. Buildings shall be no more than three stories or forty-five (45) feet in height, whichever is less. The maximum height may be increased by one story or twelve (12) feet to provide for residential use above a permitted commercial or public use.

(Ord. 642 § 1 (part), 2003)

12.30.120 Access and circulation.

All new development shall conform to the following standards for vehicles and pedestrians to ensure safe and efficient access and circulation that does not detract from the storefront character of the Mixed Use District.

- A. Street and sidewalk requirements. The provisions of Chapter 12.48, “Street and Sidewalk Requirements” shall be met.
- B. Vehicle access and circulation. Vehicle access may be provided by one of the following methods, in order of priority, as approved by the City:
 1. If a parcel or lot has adequate alley access, vehicle access shall be from the alley.
 2. If an existing private street or driveway is available on an adjoining property, it may be used to provide a vehicle access; an access easement (twenty (20) feet in width minimum) may be required to assure access to the closest public street for all users of the private street or driveway.
 3. Direct access from a public street adjacent to the development is permitted if both of the above options are not

available. For corner lots, access should be from the lower ranked street. The owner or developer may be required to close or consolidate existing accesses as a condition of approving a new access.

C. Pedestrian access and circulation.

1. All new developments shall be served by a ten (10) foot wide sidewalk in the adjacent public right-of-way. Businesses may use a four-foot furnishings area within the sidewalk for benches, trash cans, light poles, newspaper boxes, flower planters, mail boxes and other pedestrian amenities, subject to approval by the City.
2. The City may approve an alternative sidewalk design to be compatible with existing sidewalks adjacent to a development.
3. Multiple building developments and developments with off-street parking shall provide a continuous pedestrian pathway system that extends throughout the development site, and connects to all building entrances and all future phases of development. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, as applicable. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary entrances and all adjacent streets.
4. The City may exempt a land use application from the provisions in Section 12.30.140(C) 1-3 [Editor's Note: The correct cross-reference is 12.30.120(C) 1-3], if the approval involves only the partitioning of land, a lot line adjustment, or other approval that does not create additional pedestrian traffic.

D. Separating pedestrians and vehicles. All crosswalks through vehicle areas, including marked crossings in parking areas, shall be striped or constructed with different materials (e.g., pavers or stamped concrete) to clearly identify pedestrian zones. Where pedestrian and vehicle areas are adjacent and parallel, they shall be separated by one of the following means:

1. The pedestrian area may be raised at least six inches above the vehicle area and curbed. The ends of the raised portions must be equipped with curb ramps for wheelchair access.
2. The pedestrian area may be separated from the vehicle area by a landscaped berm (minimum width of four feet) with a curb, bollards, or other physical barrier.

E. All sidewalks and pathways shall conform to federal Americans with Disabilities Act requirements in design and materials.

F. For sidewalks and vehicle access points within the right-of-way of a state highway, permission must be obtained from the Oregon Department of Transportation, and evidence of such permission must be submitted to the City prior to approval by the City.

G. For sidewalks and vehicle access points within the right-of-way of a county road, permission must be obtained from the Marion County Department of Public Works, and evidence of such permission must be submitted to the City prior to approval by the City.

(Ord. 649 §§ 10-11, 2004; Ord. 642 § 1 (part), 2003)

[12.30.130 Design of commercial, public, and mixed use buildings.](#)

A. Purpose. These standards are intended to provide storefront character, pedestrian-scale, and visual relatedness of mixed uses and buildings.

B. Applicability.

1. All new commercial, public, or mixed use buildings shall conform to all of the building design standards within this section.
2. These standards shall also apply when an expansion of a building is subject to site plan review because the expansion exceeds twenty-five (25) percent of the floor area of the building or four hundred (400) square-feet.

3. These standards shall also apply when an exterior remodel affects more than twenty-five (25) percent of the surface area of the exterior walls. Maintenance, repairs, or replacement using the same material does not constitute remodeling. These standards do not apply to remodeling that is entirely within the interior of the building.

4. When these standards are applied to an expansion or remodel, and when full compliance with the standards is not feasible due to the limited scope of the project, then at least ten (10) percent of the monetary expenditure on the project shall be devoted to bringing the building closer to compliance with these standards.

C. Provide corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner (more than ten feet) when the building corner is beveled or incorporates other architectural detailing to reduce the angular appearance of the building corner at the street corner.

D. Provide regularly spaced and similar-shaped windows with window hoods or trim on the street-facing building elevation (s) of every building story. Window size and dimension shall be proportional to the building scale (i.e., larger walls shall have larger windows; smaller walls shall have smaller windows).

E. Provide large display windows covering at least sixty (60) percent of the first floor elevation facing the street (non-residential uses only). Display windows shall be framed by bulkheads, piers, awnings, canopies, and a storefront cornice, or similar architectural detailing that visually separates the ground floor from upper stories.

F. Decorative cornice or parapet at top of building (flat roof); or eaves (at least twelve inches) provided with pitched roof.

G. Pedestrian-scale design. This criterion is met by providing at least four of the following on the street-facing elevation(s) of every building:

1. Building offset (at least two-feet);
2. Recessed entry (at least four-feet);
3. Projections (at least two-feet);
4. Changes in roof elevation (at least two-feet);
5. Sheltering roof, canopy, or awning (extending four-feet. out from the building façade and having a minimum vertical clearance of eight-feet (e.g., from the bottom of a canopy or awning);
6. Distinct pattern of divisions in surface materials (e.g., brick, masonry, siding, similar finishing);
7. Windows have architectural detailing (e.g., four-inch trim, four-inch hood, four-inch reveal, etc.);
8. Ornamental lighting (e.g., uplighting on architectural feature, artwork, signs, etc.) not greater than two foot-candles.

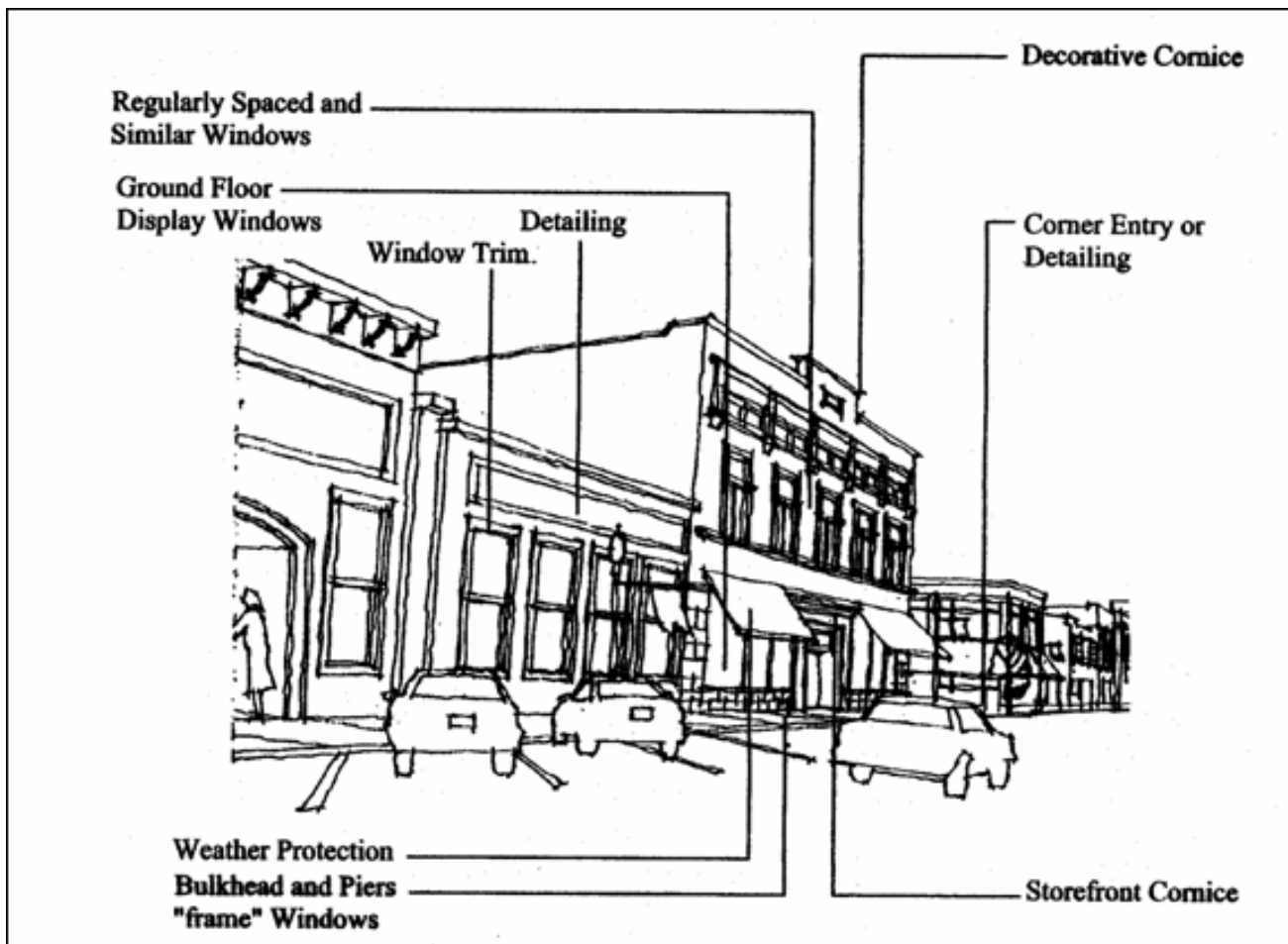


Diagram 12.30.130—Mixed Use District Building Design Elements (Typical)

(Ord. 649 § 12, 2004; Ord. 642 § 1 (part), 2003)

12.30.140 Design of multi-unit residential.

All new residential development with more than one dwelling unit per lot shall meet the standards below:

- A. The maximum number of units permitted on a lot shall be the same as would be permitted in a high-density residential zone as specified in Section 12.20.020.
- B. Detailed design must be provided along all elevations (i.e., front, rear and sides). Detailed design means using at least three of the architectural features listed below on all elevations, as appropriate for the proposed building type and style.

Features may vary on front, rear, and side elevations:

1. Dormers;
2. Gables;
3. Bay or bow windows;
4. Off-sets in building face;
5. Window shutters or decorative trim a minimum of four inches wide;
6. Balconies;
7. Roof pitch greater than or equal to nominal 6:12;
8. Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three-tab asphalt shingles);
9. Flat roofs with decorative cornices or roof lines;

10. Horizontal lap siding;
11. Brickwork or masonry;
12. Decorative patterns on exterior finish (e.g., shingles, scales, wainscoting, or other ornamentation);
13. Architectural or decorative pillars (not including simple 4x4 posts);
14. Other feature providing visual interest similar to the above options.

- C. A covered porch or a recessed (minimum sixteen inches) entry roof must be provided at all entrances.
- D. The requirements for street-facing façades and main entrances found in Sections 12.20.070 and 12.20.080 must be met.
- E. Any garage or carport fronting a street (other than an alley) shall be recessed at least four feet from the front façade.
- F. Up to one-third of the parking spaces required in Chapter 12.44 may be provided on-street or off-site. One space may be counted for every twenty feet of frontage where parking is permitted. Permanently reserved spaces on private property within three hundred (300) feet of a main entrance may be counted if a satisfactory easement is recorded.

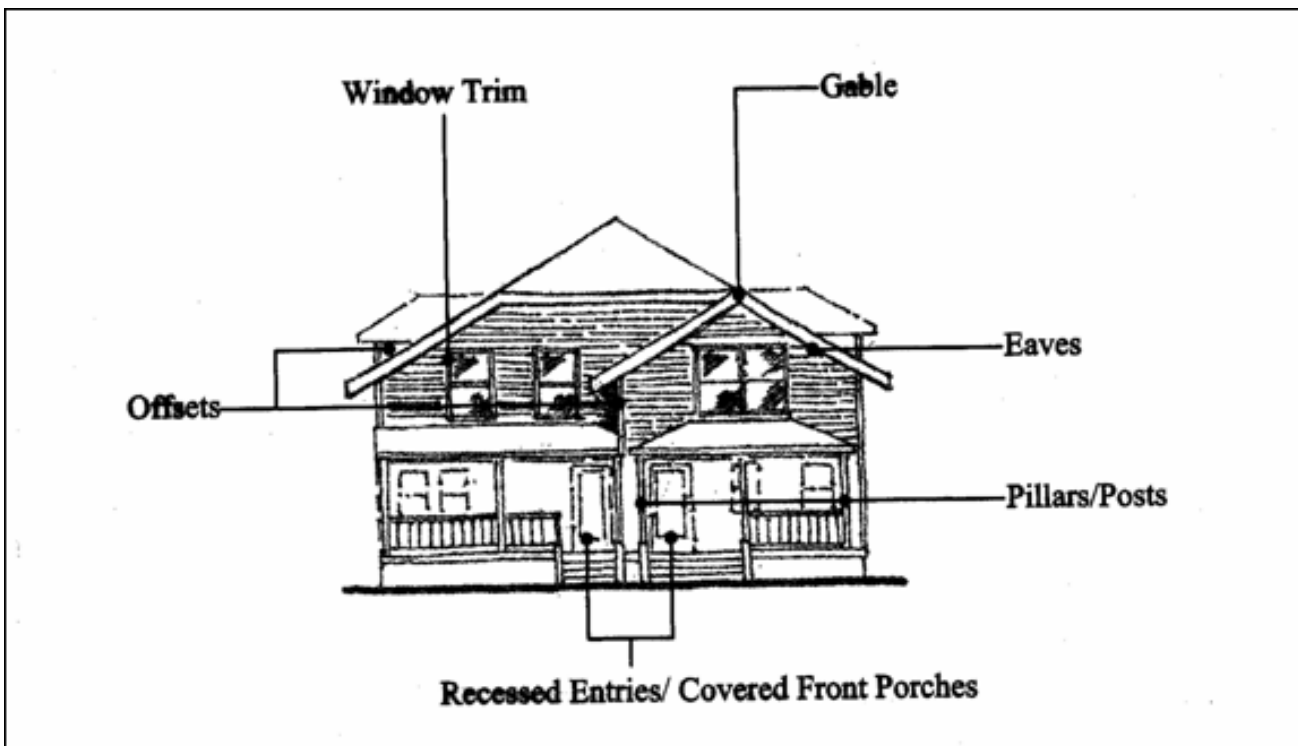


Diagram 12.30.140—Examples of Residential Architectural Details

(Ord. 642 § 1 (part), 2003)

12.30.150 Design of single-unit dwellings.

All new single-unit dwellings shall meet the standards below:

- A. The applicant must show how the proposed building could be readily converted to a commercial or mixed use. This may be accomplished with any of the following, but is not limited to the listed methods.
1. A front room that would accommodate a business by its size, layout, direct access from a front entrance, and visibility through storefront windows.
 2. Vacant land between the proposed building and the street that would accommodate a commercial use through an expansion or new building.
 3. Oversized cooking and dining facilities that could be converted for use in a restaurant or bed-and-breakfast.

4. Being accessible to persons with disabilities, or being capable of being remodeled for accessibility in conformance with the Americans with Disabilities Act.

B. The dwelling must meet all standards that would apply to single-unit dwellings in a residential zone except as provided in this section. These standards include but are not limited to Sections 12.20.055 through 12.20.080, and Section 12.60.070.

C. There is no minimum lot size.

D. There are no minimum lot dimensions.

E. There are no required setbacks.

F. A garage or carport is not required. If a garage or carport is included it must meet the following standards:

1. If the lot has frontage onto an alley, vehicle access to any garage, carport, or on-site parking area must be through the alley.

2. If access from an alley is not possible, then a garage or carport fronting the street shall be recessed at least four feet from the front façade.

G. Two parking spaces must be accounted for, but not necessarily off-street or on-site. If parking is permitted along the street frontage, one space may be counted for every twenty (20) feet of frontage. Spaces within a garage or carport may be counted. Permanently reserved spaces on private property within three hundred (300) feet of the main entrance may be counted if a satisfactory easement is recorded.

(Ord. 642 § 1 (part), 2003)

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Chapter 12.32 FLOODPLAIN DISTRICT STANDARDS

12.32.010 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

(DC § 11.010)

12.32.020 Methods of reducing flood losses.

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

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosions or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

(DC § 11.015)

12.32.030 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Jefferson, Marion County, Oregon.

(DC § 11.020(1))

[12.32.040 Basis for establishing the areas of special flood hazard.](#)

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study: Marion County, Oregon and Incorporated Areas,” fourth revision, effective January 19, 2000, with accompanying flood insurance maps, is adopted by reference and declared to be part of this chapter. The flood insurance study is on file at the city recorder’s office in Jefferson, Oregon.

(Ord. 613 § 2, 2000: DC § 11.020(2))

[12.32.050 Penalties for noncompliance.](#)

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provision of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined no more than two hundred fifty dollars (\$250.00) per day until violation is abated for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(DC § 11.020(3))

[12.32.060 Abrogation and greater restrictions.](#)

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(DC § 11.020(4))

[12.32.070 Interpretation.](#)

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(DC § 11.020(5))

[12.32.080 Warning and disclaimer of liability.](#)

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(DC § 11.020(6))

[12.32.090 Development permit required.](#)

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 12.32.040. The permit shall be for all structures including manufactured homes, as set for in Section 12.04.080, and for all development including fill and other activities, also as set forth in Section 12.04.080.

(DC § 11.030(1))

[12.32.100 Application for development permit.](#)

Application for a development permit shall be made on forms furnished by the city recorder and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this chapter;
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(DC § 11.030(2))

[12.32.110 City recorder Permit responsibilities.](#)

A. Designation of the City Recorder. The city recorder is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

- B. Duties and Responsibilities of the City Recorder. Duties of the city recorder shall include, but not be limited to:
1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 12.32.180 are met.

(DC § 11.030(3) and (4))

[12.32.120 Use of other base flood data.](#)

When base flood elevation data has not been provided in accordance with Section 12.32.040, Basis for Establishing the Area of Special Flood Hazard, the city recorder will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 12.32.170(B), Specific Standards, and 12.32.180, Floodways.

(DC § 11.030(5))

12.32.130 Information to be obtained and maintained.

A. Where base flood elevation data is provided through the Flood Insurance Study, or required as in Section 12.32.120, the applicant shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures, the applicant shall:

1. Verify and record the actual elevation (in relation to mean sea level);
2. Maintain the floodproofing certifications required in Section 12.32.100(C); and
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

(DC § 11.030(6))

12.32.140 Alteration of watercourses.

The City shall:

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

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

(DC § 11.030(7))

12.32.150 Interpretation of FIRM boundaries.

The City shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in Section 12.32.160.

(DC § 11.030(8))

12.32.160 Variance procedure for Flood Insurance Rate Map boundaries.

A. Appeal Board.

1. The City Council as established by City of Jefferson shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city recorder in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to the Land Use Board of Appeals as provided in ORS 197.835.
4. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;

- b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transportation of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
6. The city recorder shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsections (A) (4)(a) through (i) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (B)(1) of this section, and otherwise complies with Section 12.32.170(A)(1) and (2) of the General Standards.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(DC § 11.040)

[12.32.170 Provisions for flood hazard reduction.](#)

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Refer to FEMA'S "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Subdivision Proposals.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall be public utilities and facilities such as sewer, gas, electrical and water

systems located and constructed to minimize flood damage; and

c. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres, whichever is less.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 12.32.120), the applications for a building permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 12.32.040, Basis for Establishing the Areas of Special Flood Hazard, or Section 12.32.120, Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the one hundred (100) year flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii The bottom of all openings shall be no higher than one foot above grade.

iii Openings may be with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that the base flood level of the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in this chapter;

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

3. Recreational Vehicles. Recreational vehicles placed on sites within the special flood hazard area shall either:

- a. Be on site for fewer than one hundred eighty (180) consecutive days; or
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Meet all of the elevation and anchoring requirements that would apply to a manufactured home placed on that site including but not limited to Section 12.32.170 (a)(1)(b).

(Ord. 613 § 3, 2000; DC §§ 11.050, 11.060)

[12.32.180 Floodways.](#)

Located within special flood hazard areas established in Section 12.32.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- B. If Section 12.32.170(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 12.32.170, Provisions for Flood Hazard Reduction.

(DC § 11.070)

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Chapter 12.40 DESIGN STANDARDS GENERALLY

[12.40.010 Construction standards.](#)

The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs, gutters and other public improvements within the City area shall be as approved in the City's Standard Specifications Manual. Unless otherwise provided in the particular specifications for work authorized, public facility work shall be according to the standard specifications.

(DC § 10.010)

[12.40.020 Specification adjustment by engineer.](#)

The city engineer may make changes or supplements to the standard specifications consistent with the application of engineering principals to the conditions in this City. The engineer shall incorporate amended or new specifications into the Standard Specifications Manual.

(DC § 10.030)

[12.40.030 Standards for area protection conditions.](#)

When the imposition of discretionary standards is authorized to avoid detrimental environmental impacts or to protect the best interest of the surrounding development or the community as a whole, the standards may include those which accomplish the following:

- A. Limit the manner in which the use is conducted including restricting the time a certain activity may take place and restraints to minimize such environmental affects as noise, vibration, air pollution, glare and odor;
- B. Establish a special yard or other open space or lot area or dimension;
- C. Limit the height, size or location of a building or other structure;
- D. Designate the size, number, location and nature of vehicle access points;
- E. Increase the amount of street dedication, roadway width or improvements within the street right-of-way;
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limit or otherwise designate the number, size, location, height and lighting of signs;
- H. Limit the location and intensity of outdoor lighting and require its shielding;
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for its installation and maintenance;
- J. Designate the size, height, location and materials for a fence;
- K. Protect and preserve existing trees, vegetation, water resource, wildlife habitat or another significant natural resource;
- L. Make any other condition to permit the development of the City in conformity with the intent and purpose of avoiding

detrimental environmental impacts, or protecting the best interests of the surrounding development, or the community as a whole.

(DC § 8.010)

[12.40.050 Fences.](#)

Fences, walls and hedges shall not exceed six feet in height, except to enclose a swimming pool where a height of eight feet shall be allowed. Fences, walls and hedges within the front yard setback in a residential district are restricted to a maximum height of four feet. The construction of a fence over six feet in height or a retaining wall over four feet requires a building permit. Fences, walls and hedges shall be constructed within property lines and must conform to Section 12.40.080, Vision Clearance.

(DC § 7.020)

[12.40.060 Exceptions to setback requirements.](#)

The following intrusions may project into required yards provided that the conditions and limitations are adhered to:

A. **Depressed Areas.** In any district, open work fences, berms, hedges, guard rails, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs or retaining walls may be located in required yards, provided that such devices are not more than three and one-half feet in height.

B. **Projecting Building Features.** The following building features may project into the required front yard no more than five feet, and into the required rear or side yard no more than two feet:

1. Awnings, buttresses, architectural appendages; examples such as, but not limited to, bay windows, planters, cantilevered stairways, or other similar features;
2. Chimneys and fireplaces, provided they do not exceed eight feet in width;
3. Porches, steps, platforms or landings, raised patios, decks;
4. Signs conforming to applicable code requirements.

(DC § 6.050)

[12.40.070 Special setbacks.](#)

A. **Setbacks for Properties Abutting Future Street Rights-of-Way.** Where the adopted Comprehensive Plan and future street plans include the widening or connecting of existing streets, or the establishment of new streets, the placement of all buildings and the establishment of all required yards shall be in relation to the proposed street right-of-way boundaries. Also no building shall be erected on a lot which abuts a proposed street right-of-way, unless the lot will contain the width and depth needed to complete the street width plus the width and depth of the yards required on the lot.

B. **Residential Setback Restrictions for Schools, Churches, Public and Semipublic Buildings.** Any school, church, or public or semipublic building erected after the effective date of the Development Code shall be set back at least twenty-five (25) feet from any property line adjoining or directly across public right-of-way from any residential district. Further, no required front or interior yard of the lot on which such building or use is located shall be used for stockpiling or storage of materials or equipment. All other setbacks of the district within which the property is located shall also apply.

(DC § 6.110, 6.120)

[12.40.080 Clear vision area.](#)

A. A clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from the established street center line grade.

B. The preceding provisions shall not apply to the following:

1. A public utility pole;
2. A tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection;
3. Any other plant species or open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed crossview;
4. A supporting member of appurtenance to a permanent building lawfully existing on the date this standard becomes effective;
5. An official warning sign or signal; and
6. A place where the natural contour of the ground is such that there can be no cross visibility at the intersection.

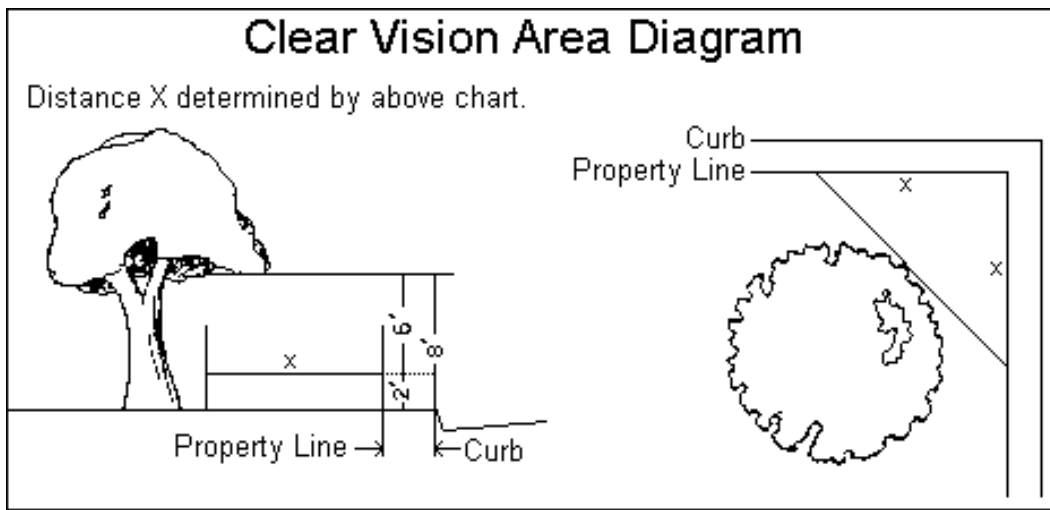
C. A clear vision area shall consist of a triangular area, two sides of which are lot lines, or a driveway and a lot line, for a distance specified in this section; or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.

D. The following measurements shall establish the clear vision areas:

Type of Intersection	Measurement Along Each Lot Line or Drive Edge
Controlled intersection (stop sign/signal)	20 feet
Uncontrolled intersection 60 ft. right-of-way	30 feet
Uncontrolled intersection less than 60 ft. right-of-way	40 feet
Commercial and industrial driveways	20 feet
Residential driveways	15 feet
Alleys (less than 25 ft.)	20 feet

When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.

Diagram 12.40.080



(Ord. 649 § 19, 2004; DC § 6.140)

[12.40.090 Lot coverage limits.](#)

For all buildings and uses in the (below) listed zoning district, requirements are established setting the maximum lot coverage that buildings, parking areas or garages, and outside storage areas may occupy as expressed by the percentage listed below:

District	Combined Maximum Building and Parking Area Coverage
F	25%
R-1	50%
R-2	50%
R-3	70%
C	100%
I	100%

(DC § 6.150)

[12.40.100 Height limitations.](#)

The following table indicates the height limitations in each zoning district:

District	Height Limitation
F, R-1 and R-2	2-1/2 stories or 30 feet, whichever is less
R-3, C and I	3 stories or 45 feet, whichever is less

(DC § 6.160)

12.40.110 Height exceptions.

A. **Roof Structures and Architectural Features.** Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this chapter provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.

B. **Churches and Public and Semipublic Buildings.** In districts where churches and certain public and semipublic buildings require conditional use permits, the height restrictions may be waived as a part of the conditional use proceedings provided that a request for such has been noted in the public hearing notice.

(DC § 6.170)

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The purpose of this chapter is to:

- A. Protect and enhance the community livability, character, welfare, health, and safety.
- B. Enhance the environmental, aesthetic and visual quality of the City.
- C. Safeguard the economic value of public and private investments.
- D. Provide buffering and screening between otherwise incompatible land uses.
- E. Mitigate the effects of noise, wind, sun, and loss of privacy.

(Ord. 614 § 2 (part), 2000)

[12.42.020 Landscaping required.](#)

A. Residential-Two Family Dwelling, Two Dwellings on One Lot, or Multi-Family Dwelling.

1. All required landscaping shall be completed prior to issuance of a certificate of occupancy, except that a certificate of occupancy may be issued prior to the completion of landscaping if the developer posts a financial security with the City as provided in Section 12.42.050.
2. All yards adjacent to a street (exclusive of accessways and other permitted intrusions) shall be landscaped according to an approved landscape plan. Guidelines for landscaping these yards are found in Section 12.42.040.
3. All areas designated for open space shall be landscaped according to an approved landscape plan.
4. For every two thousand (2,000) square feet of gross site area there shall be at least one tree either new or existing.

B. Commercial, Industrial, or Mixed Use.

1. All required landscaping shall be completed prior to issuance of a certificate of occupancy, except that a certificate of occupancy may be issued prior to the completion of landscaping if the developer posts a financial security with the City as provided in Section 12.42.050.
2. All yards adjacent to a street (exclusive of accessways and other permitted intrusions) shall be landscaped according to an approved landscape plan. Guidelines for landscaping these yards are found in Section 12.42.040.

(Ord. 642 § 10, 2003; Ord. 614 § 2 (part), 2000)

[12.42.030 Landscape plans.](#)

With the exceptions noted below, all development applications involving buildings or parking areas must include landscape plans meeting the following provisions:

A. Exceptions. The following types of development are not required to submit landscape plans:

1. Single-family dwellings (one per lot).
2. Accessory buildings not located within a required buffer area.

3. Building additions of less than five hundred (500) square feet that do not encroach into a required buffer area.

B. Identification of Existing Trees. Existing trees over nine inches in diameter as measured three feet from ground level will be noted on all landscape plans, with notations indicating whether they are to be removed or utilized in the development. Clusters of trees in open space and floodplain areas may be noted in approximate locations.

C. Commission Approval. When a development application is reviewed by the Planning Commission, the Planning Commission shall make findings that the landscape plan meets the guidelines or satisfies the purpose and intent of this chapter prior to approving the development application.

D. Development Official Approval. When a development application is reviewed by the development official because no review by the Planning Commission is required, the development official shall make findings that the landscape plan meets the guidelines or satisfies the purpose and intent of this chapter prior to approving the development application.

(Ord. 614 § 2 (part), 2000)

[12.42.040 Front yard guidelines.](#)

The following guidelines are intended to assist applicants in preparing landscape plans for yards adjacent to streets. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter.

Landscaping per one thousand (1,000) square feet of yard adjacent to a street shall include:

A. One tree at least one and one-half inches in caliper.

B. Four one-gallon shrubs or accent plants.

C. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, or evergreen shrubs).

(Ord. 614 § 2 (part), 2000)

[12.42.050 Financial security.](#)

A. A certificate of occupancy may be issued prior to the complete installation of all required landscaping if a financial security is filed with the City assuring that landscaping will be installed.

B. The amount of the security shall be equal to one hundred ten (110) percent of the estimated cost of plant materials and labor as approved by the development official.

C. The financial security may consist of a performance bond payable to the City, cash deposited with the City, a certified check payable to the City, an irrevocable letter of credit to the City, or such other assurances as may be approved by the city attorney.

D. The applicant shall have a period of nine months to complete the landscape installation. An extension of three months may be granted by the development official when circumstances beyond the control the developer prevent earlier completion.

E. If the installation of the landscaping is not completed within the required period, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the developer.

F. A final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, or improperly installed, shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to correct the deficiency.

(Ord. 614 § 2 (part), 2000)

12.42.060 Maintenance of landscaped areas.

A. Two-Family Dwelling, Two Dwellings on One Lot, Multi-Family Dwelling, Commercial, Industrial, or Mixed Use.

1. The property owner shall ensure that all vegetation required by an approved landscape plan survives for at least one year from the date of approval of the landscape installation. The owner shall be responsible for replacement of any such plants that die or become diseased within that year. Replacement plants shall be of the same general type, shape and function.
2. The City shall conduct an inspection one year from approval of the landscape installation to ensure that all of the plants specified on the landscape plan are alive and healthy and that the purpose and intent of this chapter is being met.

B. It shall be the continuing obligation of all property owners to maintain required landscaped areas, keep them free of weeds and noxious vegetation, and ensure that the purpose and intent of this chapter is met.

(Ord. 642 § 11, 2003; Ord. 614 § 2 (part), 2000)

12.42.100 Buffering and screening General requirements

A. In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the following matrix. To use the matrix, find the column heading that best describes the development that is being applied for. Find the row heading that best describes the abutting land. The cell at the intersection of the column and row specifies the width of the buffer area, and whether or not screening is required. If the proposed development abuts more than one type of land, repeat the process for each type of abutting land to determine the buffering and screening along each section of the proposed development.

Buffer Depth (in feet) & Screening Matrix		Use Applied For				
		Two-Family Dwelling	Multi-Family Dwelling	Manufactured Home Park	Commercial or Professional	Industrial
Abutting land	Any Residential District (R1, R2, or R3)	0'	10'	10' Screening	10' Screening	20' Screening
	Manufactured Home Park	10'	10'	0'	10' Screening	20' Screening
	Arterial Street (as designated by the Comprehensive Plan)	10' Screening	10' Screening	10' Screening	0'	20'
	Railroad	10' Screening	10' Screening	10' Screening	10'	0'
	Commercial District	10' Screening	10' Screening	10' Screening	0'	0'
	Industrial District	20'	20'	20'	0'	0'

		Screening	Screening	Screening		
	Mixed Use District	0'	0'	10' Screening	0'	10' Screening

B. The property owner of each proposed development is responsible for the installation and maintenance of the specified buffers and screens.

C. The buffering and screening requirements may be waived in whole or in part where buffering or screening has been provided on the abutting property in conformance with this chapter.

D. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.

(Ord. 642 § 12, 2003; Ord. 614 § 2 (part), 2000)

[12.42.110 Delineation of buffer areas.](#)

A buffer consists of an area along a property line. It has a depth equal to the distance specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.

(Ord. 614 § 2 (part), 2000)

[12.42.120 Permitted within buffer areas.](#)

A buffer area may only be occupied by utilities, screening, sidewalks, bikeways and landscaping. No buildings, driveways or parking areas are allowed in a buffer area except where a driveway has been approved by the City.

(Ord. 614 § 2 (part), 2000)

[12.42.130 Buffering guidelines.](#)

The following guidelines are intended to assist applicants in preparing landscape plans for buffer areas. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter. Landscaping within a buffer areas shall include:

A. At least one row of trees. Deciduous trees shall be not less than one and one-half inches in caliper at time of planting and spaced not more than thirty (30) feet apart. Evergreen trees shall be not less than five feet high at time of planting and spaced not more than fifteen (15) feet apart. This requirement may be waived where it can be demonstrated that such trees would conflict with other purposed of this code.

B. At least 5 five-gallon shrubs or ten (10) one-gallon shrubs for each one thousand (1,000) square feet of required buffer area.

C. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, or evergreen shrubs).

(Ord. 614 § 2 (part), 2000)

[12.42.140 Screening guidelines.](#)

Where the screening matrix in Section 12.42.100(A) specifies screening, the following guidelines will apply in addition to buffering guidelines. The guidelines are intended to assist applicants in preparing landscape plans for screening. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter.

Screening shall consist of one of the following:

- A. One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, or
- B. A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
- C. An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.

(Ord. 614 § 2 (part), 2000)

12.42.200 Clear vision.

The landscaping provisions of this chapter are superseded by the clear vision requirements of Section 12.40.080.

12.42.210 Trees detrimental to public infrastructure.

- A. Because of the potential negative impact of some species of trees on the public roadways, sidewalks and utilities, the public works department shall maintain a list of trees that are prohibited on the public right-of-way.
- B. Because of the potential negative impact of some species of trees on the public sewers (sanitary and storm) the public works department shall maintain a list of trees that are prohibited in the vicinity of any public sewer. Anyone wishing to plant a tree on this list anywhere within the City shall apply to the public works department. The public works department shall approve the site only if the tree roots will not be likely to interfere with public sewers.
- C. No trees, and no shrubs or plantings over eighteen (18) inches in height, shall be planted in the public right-of-way abutting roadways having no established curb or gutter.

(Ord. 614 § 2 (part), 2000)

12.42.220 Height requirements.

All trees or shrubs must be trimmed to maintain a minimum canopy height of eight feet above sidewalks and fourteen (14) feet above streets or alleys.

(Ord. 614 § 2 (part), 2000)

12.42.230 Trimming, removal.

The public works department may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.

(Ord. 614 § 2 (part), 2000)

12.42.240 Nuisance removal.

Any tree, shrub, plant, or other vegetation growing in or upon any parking strip, street right-of-way, public place, or on private property which may endanger the security or usefulness of any public street, sewer, or sidewalk, or which in any way may be dangerous to life or property is declared to be noxious vegetation and may be abated as provided in Section 5.04.170.

(Ord. 614 § 2 (part), 2000)

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Chapter 12.44 PARKING AND LOADING REQUIREMENTS

[12.44.010 Required off-street parking.](#)

Every use hereafter inaugurated and every building hereafter erected or altered shall have permanently maintained parking spaces in accordance with the provisions of the Development Code.

(DC § 7.040)

[12.44.020 Location.](#)

All required off-street parking and loading areas associated with a residential use shall be provided for on the same site as the building or use for which the parking and loading is required. Required parking and loading areas associated with an industrial or commercial use must be provided within four hundred (400) feet of the building or use for which the parking is required.

(DC § 7.050)

[12.44.030 Parking area design.](#)

A. All public or private parking area and parking spaces shall be designed and laid out to conform with the requirements of the Development Code and the Planning Commission.

B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movements or other maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site.

C. With the exception of one or two-family dwellings, parking shall not be allowed within any required setback area adjacent to a street.

(DC § 7.060)

[12.44.040 Mixed use district parking requirements.](#)

A. The parking requirements within this section shall apply to all commercial or mixed use developments within the mixed use district (MUD). Parking requirements for residential developments within the MUD shall be the same as would apply in residential districts, except as modified by the provisions of Sections 12.30.140 and 12.30.150.

B. Required Parking Plan. Every use hereafter inaugurated and every building hereafter erected or altered within the MUD shall present a detailed parking plan as part of the required development review process prescribed by the Development Code.

C. Location. All required off-street parking spaces associated with a commercial use must be provided within three hundred (300) feet of the building for which the parking is required. The three hundred (300) foot distance shall be measured from the door or entrance way of the building for which the parking is required to the farthest off-site parking space to be provided.

D. Parking Spaces Required.

1. All newly inaugurated or expanded commercial uses are required to provide one off-street parking space for each employee or other person working out of the building or use. The number of employees or persons shall be counted to include all those working at the same time on the premises, plus proprietors, during the largest shift at peak season.
2. New, expanded, or changed uses in existing buildings are not required to provide additional off-street parking for customers except as specifically conditioned in the development review process. Decisions to require additional on-site parking will be based on the maximum number of customers or users projected to be served at any one time, and the on-street parking available to the business or use. In any review of required parking spaces, on-street parking along frontage of subject property will be counted towards the provision of customer parking spaces at the rate of one parking space for every twenty (20) feet of frontage where parking is legal and sufficient paved width is present.
3. Newly constructed buildings, or expansions requiring site plan review, shall provide the number of parking spaces as required in Section 12.44.060, with the exception that on-street parking along frontage of subject property will be counted towards the provision of customer parking spaces at the rate of one parking space for every twenty (20) feet of frontage where parking is legal and sufficient paved width is present.

E. **Parking Area Improvements.** All public and private parking areas shall be improved according to Section 12.44.100, except as allowed in the following paragraph.

Temporary use of gravel surfacing for a parking lot to serve an existing building may be allowed as a conditional use for a time period not to exceed three years, to be reviewed annually. Gravel surfacing must meet the specifications of the city engineer including a minimum gravel depth of ten inches of one-inch minus rock, and a twenty (20) foot by twenty-four (24) foot paved approach. At the expiration of the temporary gravel parking conditional use permit, parking areas shall be improved according to Section 12.44.100.

F. **Parking Area and Space Dimensions.** All parking area and space dimensions within the MUD shall be designed to conform to Section 12.44.110. In addition, spaces meeting the requirements of the American with Disabilities Act must be provided when required by the Act.

(Ord. 649 §§ 15-17, 2004; Ord. 642 §§ 13-14, 2003; Ord. 576 § 2, 1997; DC § 7.065)

[12.44.050 Multifamily parking requirements.](#)

A. **Parking Spaces Required.** Newly constructed buildings shall provide the number of parking spaces as required in Section 12.44.060.

B. **Parking Area and Space Dimensions.** All parking area and space dimensions for multifamily development shall be designed to conform to Section 12.44.110.

C. **Parking Area Improvements.** All public and private parking areas shall be improved to conform to Section 12.44.100. Parking areas shall be no more than seven thousand two hundred and fifty (7,250) square feet in area and shall be physically and visually separated by a landscaped area at least twenty (20) feet in width. Individual parking areas may be connected by an aisle or driveway. Each parking space shall be located no more than twenty-five (25) feet from the trunk of a canopy tree planted within ten (10) feet of the parking area.

D. **Pedestrian connectivity** shall be provided from the site to the public sidewalk system through the use of paths or easements. Pedestrian pathways shall provide for a minimum of ten (10) feet of separation from dwellings as measured from the pathway edge closest to any dwelling unit.

Diagram 12.44.050

**MULTIFAMILY PARKING
REQUIREMENTS**

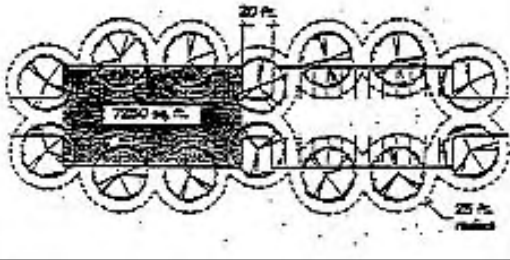


Diagram 12.44.050

(Ord. 583 § 2, 1998; DC § 7.066)

12.44.060 Parking spaces required.

The number of off-street parking spaces required shall be no less than as set forth below, provided that:

- A. All institutional, commercial and industrial uses shall provide no less than five parking spaces for visitors;
- B. All uses shall provide parking space for each employee working on or from the site as determined by the maximum number of employees during any single hour of a day;
- C. All uses shall provide parking space for each vehicle operating on or from the site.

Use	Off-Street Parking Use Requirements
Residential Types	
Dwelling, single-family	Two for each dwelling units on a single lot
Dwelling, single-family within a commercial use	One and one-half for each dwelling unit; where fractioned, next highest full unit
Dwelling, two-family or multiple dwelling	One and one-half for each dwelling unit; where fractioned, next highest full unit
Hotels, motels	One for each guest room
Rooming or boarding houses	One for each guest room
Institutional types	
Hospitals	One and one-half for each bed; where fractioned, next highest full unit, plus two for each nurse's station
Churches	One for every four fixed seats or each eight feet of bench length or every 28 square feet of main assembly room (sanctuary), where no permanent seats or benches are maintained

Day care facility	One space for each day care worker not residing at the single-family residence; for a day care center, include a vehicle turn-around area
Libraries, museums, art galleries	One for each 300 square feet of gross floor area
Nursing homes, homes for the aged, group care homes, asylums, etc.	One for each three beds
Schools—Elementary or junior high	One and one-half for each teaching station, plus one for every six fixed seats or for every 42 square feet of seating area where there are no fixed seats in the auditorium or assembly area
High school	One and one-half for each teaching station, plus for the largest assembly room or auditorium, or for every 28 square feet of floor area where no fixed seats are maintained
Commercial Types	
Retail establishments	One for each 200 square feet of retail floor area
Barber and beauty shops	One for each 75 square feet of gross floor area
Bowling alleys	Six for each bowling lane
Office building, business and professional offices	One for every 400 square feet of gross floor area
Recreational or entertainment establishments: spectator type auditoriums, assembly halls, theaters, stadiums, places of public assembly, etc.	One for each four seats
Participating-type skating rinks, dance halls, etc.	One for each 75 square feet of gross floor area
Establishments for the sale and consumption on the premises of food and beverages	One for each 60 square feet of gross floor area
Industrial Types	
Industrial uses except as otherwise specified in the Development Code	One for each 500 square feet of gross area
Manufacturing establishment	One space per 1,000 square feet of gross structure area

Use	Off-Street Parking Use Requirements
Storage warehouse, wholesale, or rail or trucking freight terminal	One space per 2,000 square feet gross structure area
Handicap Accessible Parking	
All uses	As required by Marion County building department

(DC § 7.070)

[12.44.070 Parking requirements for uses not specified.](#)

The parking space requirements for buildings and uses not set forth in this chapter shall be determined by the Planning

Commission and such determination shall be based upon the requirements for the most comparable building or use specified in this chapter.

(DC § 7.080)

[12.44.080 Common facilities for mixed uses.](#)

In the case of mixed uses, the total requirements for the off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below in Section 12.44.090, Joint Use of Parking Facilities.

(DC § 7.090 (part))

[12.44.090 Joint use of parking facilities.](#)

The Planning Commission may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

- A. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- B. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of the Development Code, shall be recorded in the office of the county recorder and copies thereof filed with the city recorder.

(DC § 7.090 (part))

[12.44.100 Parking area improvements.](#)

All public or private parking areas, which contain four or more parking spaces, and outdoor vehicle sales areas, shall be improved according to the following:

- A. All parking areas shall have a durable, dust-free surfacing of asphalt concrete, portland cement concrete, or other approved materials.
- B. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property. Catch basins and oil/water separators (clarifiers) shall be required as appropriate to each particular use.
- C. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
- D. All parking spaces shall be appropriately and substantially marked.

(Ord. 614 § 4, 2000; DC § 7.100)

[12.44.105 Parking lot landscaping.](#)

Parking lots must be landscaped in accordance with the following minimum standards:

- A. Planter Bays. Parking areas shall be divided into bays of not more than ten (10) parking spaces. Between or at the end of

each parking bay there shall be curbed planters of at least five feet in width. Each planter shall contain one tree at least one and one-half inches in caliper and decorative ground cover containing at least two shrubs for every one hundred (100) square feet of landscape area.

B. **Parking Space Buffers.** Parking areas shall be separated from the exterior wall of a structure by pedestrian entranceways or loading areas or by a strip of landscaping materials at least five feet in width.

C. **Landscape Protection.** Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven eighteen (18) inches into the ground, by large boulders, or by another acceptable means of providing protection.

D. **Landscaping Plans.** All development applications involving parking areas must include landscape plans to conform to Section 12.42.030.

(Ord. 614 § 3, 2000)

[12.44.110 Parking space dimensions.](#)

Public and or private parking areas, except single-family or two-family dwellings on a single lot, shall meet the minimum dimensions specified in the Public Works Design Standards adopted by the City.

[Note: The dimensions are in Appendix A, Drawings 235 and 236.]

(Ord. 643 § 57, 2004; DC § 7.110)

[12.44.120 Off-street loading.](#)

All loading spaces for commercial and industrial buildings and uses shall be off the street and shall be in excess of required parking spaces. All loading spaces shall be approved by the Planning Commission or its delegate. No loading space or dock shall be located in a manner which will cause vehicles being served to project into the required front yard.

(DC § 7.120)

[12.44.130 Driveways.](#)

Except for one- and two-family dwellings, parking shall not be allowed within that portion of the driveway within any required setback adjacent to a street.

(DC § 7.130)

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[Title 12 DEVELOPMENT CODE](#)

Chapter 12.48 STREET AND SIDEWALK REQUIREMENTS[12.48.010 Streets General provisions.](#)

No development shall be allowed unless the development has frontage or approved access to a public street. Streets (including alleys) within a development, and streets adjacent to a development, shall be improved in accordance with this chapter. In addition, any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this chapter.

Where the city engineer determines that a required street improvement would not be timely, or where lack of support by the other property owners would prevent a complete street improvement, the city engineer may accept a future improvement guarantee in a form approved by the city attorney.

(DC § 10.050)

[12.48.020 Creation of streets.](#)

Streets shall be created through the approval of a subdivision plat or partition; however, the City Council may approve the creation of a street by acceptance of a deed provided that such street is deemed essential by the City Council for the purpose of general traffic circulation. If the partitioning of land is an incidental effect rather than the primary objective of the street creation, then the partitioning requirements of the Development Code need not be complied with, provided that the resulting parcels comply with code requirements.

Such conditions as deemed desirable, and which are not at variance with the objectives of the Development Code, may be required by the City Council prior to the approval of the creation of any street.

(DC § 10.060)

[12.48.030 Creation of access easements.](#)

The Planning Commission may approve an access easement to be established by deed without full compliance with the Development Code, provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant further division may be provided with access. Access easements may not serve more than one parcel unless other parcels sharing an access easement have frontage on a public street and such easement is approved by the city engineer.

(DC § 10.070)

[12.48.040 Street location, width and grade.](#)

A. The location, width and grade of all streets shall conform to any approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Street grades shall be approved by the city engineer, who shall give consideration to adequate drainage and traffic safety. Where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in the surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.

B. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

C. Unless otherwise indicated on an approved street plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table. Where a range is indicated, the width shall be determined by the City. Except by planned development or variance the City shall not allow street widths less than thirty-six (36) feet for streets over one thousand (1,000) feet in length, or less than thirty-two (32) feet for streets under one thousand (1,000) feet in length

Type of Street	Minimum Right-of-way Width	Minimum Road Width
Arterial	70-120 feet	40-70 feet
Collector street	60-80 feet	36-48 feet
Local street	45-55 feet	36 feet
Radius for turnaround at end of cul-de-sac	43 feet	36 feet
Alley	20 feet	12-20 feet

(DC § 10.080)

[12.48.050 Future extensions of streets and reserve strips.](#)

Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A reserve strip across the end of a dedicated street shall be deeded to the City. In addition, a barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the city engineer, the cost of which shall be included in the street construction cost.

(DC § 10.090)

[12.48.060 Street alignment.](#)

As far as practical, streets shall be dedicated and constructed in alignment with exiting streets by continuing the center lines thereof. In no case shall the staggering of streets making “T” intersections be designed such that jogs of less than one hundred fifty (150) feet on such streets are created, as measured from the center line of such streets.

(DC § 10.100)

[12.48.070 Intersections.](#)

Streets shall be laid out so as to intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than seventy-five (75) degrees is not acceptable. An oblique street should be curved approaching an intersection to provide at least one hundred (100) feet of street at right angles with the intersection. Not more than two streets shall

intersect at any one point.

(DC § 10.110)

12.48.080 Cul-de-sacs.

A cul-de-sac shall be as short as possible and shall have a maximum length of four hundred (400) feet. A cul-de-sac shall terminate with a circular turnaround. Dead-end streets longer than four hundred (400) feet may be approved by the Planning Commission if no other means is available for development of the property and special provisions are made for public facilities, pedestrian and bicycle circulation, and emergency service access.

(DC § 10.120)

12.48.090 Partial streets.

All streets shall be dedicated and improved to their full required width. The dedication or improvement of less than full width rights-of-way, commonly known as half streets, shall not be permitted.

(DC § 10.130)

12.48.100 Slopes and curves.

Slope shall not exceed six percent on arterials, ten (10) percent on collector streets or twelve (12) percent on other streets. Center line radii or curves shall not be less than four hundred (400) feet on major arterials, three hundred (300) feet on secondary arterials or one hundred (100) feet on tertiary arterials. Should topography make it otherwise impractical to provide buildable sites, steeper grades and sharper curves may be approved by the Planning Commission. In flat areas, allowance shall be made for finished street grades having minimum slope of at least 0.5 percent where possible.

(DC § 10.140)

12.48.110 Street adjacent to railroad.

Wherever a proposed development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to and on each side of the railroad right-of-way, at a distance suitable for the appropriate use of the land between each street and the railroad. The distance shall be determined with due consideration at each cross street of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

(DC § 10.150)

12.48.120 Access to arterials.

Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:

- A. A parallel access street along the arterial;
- B. Lots of suitable depth abutting the arterial to provide adequate buffering with frontage along another street;

- C. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial;
- D. Other treatments suitable to meet the objectives of this section.

(DC § 10.160)

12.48.130 Property monuments.

Upon completion of a street improvement and prior to acceptance by the City, all property corners shall be re-established and protected.

(DC § 10.170)

12.48.140 Private streets.

Private streets are permitted within mobile-home/manufactured home parks, recreational vehicle parks, and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards for private streets shall be established by the city engineer, but shall not exceed the requirements for public streets. The Planning Commission may require legal assurances for the continued maintenance of private streets.

(DC § 10.180)

12.48.150 Traffic signals.

The location of planned traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved City specifications shall be installed and the cost may be included as a condition of development approval, or other equitable means of cost distribution shall be determined by the City Council. Where a signal development or concurrent group of developments will create a need for a traffic signal at an intersection, the cost for such installation may be attached as a condition of development if approved by the City Council.

(DC § 10.200)

12.48.160 Railroad crossings.

Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or other equitable means of cost distribution shall be determined by the City Council.

(DC § 10.210)

12.48.170 Street signs.

The City shall install all street signs relative to traffic control and street names, as specified by the city engineer for any development. The cost of signs and installation shall be included in the project costs.

(DC § 10.220)

12.48.180 Mail boxes.

Joint mail box facilities shall be provided in all residential developments, with each joint mail box serving at least two dwelling units. Joint mail box structure shall be placed adjacent to roadway curbs. Proposed locations of joint mail boxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the Planning Commission to plan approval. In addition, sketch plans for the joint mail box structures to be used shall be submitted and approved by the Planning Commission prior to final approval.

(DC § 10.225)

[12.48.190 Address numbers.](#)

The naming of streets shall be in accordance with Chapter 12.64.

(DC § 10.230)

[12.48.200 Sidewalks General provisions.](#)

Except where exempted by the City Council, sidewalks shall be constructed, replaced or repaired to the City design standards as set forth in the Standard Specifications Manual and located as follows:

- A. On both sides of arterial and limited access collector streets to be built at the time of street construction;
- B. On both sides of all other streets and in pedestrian easements and right-of-way, except as provided further in this section, to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property;
- C. On one side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations if rolled curbing is not used;
- D. A planter strip separation of at least five feet between curb and sidewalk may be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist: inadequate right-of-way; curb side sidewalks already exist on predominant portions of the street; conflict with utilities;
- E. A planter strip separation of at least four feet between curb and sidewalk shall be required in the design of all other streets, excluding the perimeter of cul-de-sacs;
- F. Sidewalks adjacent to collector and arterial streets shall be five feet in width. All other sidewalks shall be at least four feet in width. All sidewalks shall provide a continuous unobstructed path. Width of sidewalks shall be measured from the back of the curb. Where obstructions exist or are proposed (including, but not limited to mailboxes, utility poles, trees, planters, fire hydrants, signs, bus stops, etc.), provisions shall be made to maintain a minimum of four feet of unobstructed width;
- G. Maintenance of sidewalks, curbs and planter strips shall be the continuing obligation of the adjacent property owners.

(Ord. 642 § 15, 2003; DC § 10.240)

[12.48.210 Conformance to street grades.](#)

All sidewalks that may hereafter be constructed adjacent to a street as provided for in this chapter, shall be placed upon the street grade as the same is now established, or that may be established from time to time, and shall conform to the official street grades; and the space between the property line and the sidewalk, where such space is left, and the space between the sidewalk and the curb along the same, shall be filled and surfaced with earth or other approved material level with the sidewalk.

(DC § 10.241)

12.48.220 Application for permit and inspection.

- A. Every person, firm or corporation desiring to construct sidewalks as provided by this chapter shall, before entering upon the work or improvement, apply for a permit to the building official to so build or construct. An occupancy permit shall not be issued for a development until the provisions of this chapter are satisfied.
- B. The city engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his or her opinion, the construction of the sidewalk is impractical for one or more of the following reasons:
1. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
 2. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
 3. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street;
 4. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically unfeasible.

(DC § 10.242)

12.48.230 Inspections.

The city engineer shall inspect the construction of sidewalks for compliance with the provision of this chapter and the Standard Specifications Manual.

(DC § 10.243)

12.48.240 Council initiation of construction.

In the event one or more of the following situations are found by the council to exist, the council may adopt a resolution to initiate construction of a sidewalk in accordance with City ordinances:

- A. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;
- B. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other generators of pedestrian traffic, and sidewalks are necessary to eliminate the hazard;
- C. Fifty (50) percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks;
- D. Vehicular traffic on a given street is made hazardous because of the use of the same street by pedestrians;
- E. A criteria which allowed noncompliance under Section 12.48.220 no longer exists and a sidewalk could be constructed in conformance with City standards.

(DC § 10.244)

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Chapter 12.52 UTILITY REQUIREMENTS

12.52.010 Utility easements.

Except as otherwise provided in this chapter, all utility lines, cables, wires, including but not limited to those for electricity, communication, street lighting, and cable television, constructed upon or within land subdivided or prepared for development, including infill lots, after the effective date of the Development Code, shall be required to be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such a subdivision.

(DC § 10.260)

12.52.020 Exceptions.

Overhead facilities shall be permitted for the following in which case the above provisions shall not apply:

- A. Emergency installations of electric transmission lines or to through feeders operating at distribution voltages which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads. Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase;
- B. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like;
- C. Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the city engineer;
- D. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations. Plans showing landscaping and screening shall be approved by the engineer for all such facilities, prior to any construction being started;
- E. Television antenna;
- F. Industrial developments, except for those utility lines, cables and/or wires providing service to an individual lot. Such lines must be placed underground from the nearest power pole to the facility ultimately being operated on the individual lot. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition.

(DC § 10.271)

12.52.030 Information on development plans.

The subdivider shall show on the development plan, or in his or her explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the city engineer for review and approval. Care shall be taken in all cases to ensure that aboveground equipment does not obstruct vision clearance areas for vehicular traffic.

(DC § 10.272)

[12.52.040 Future installations.](#)

The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under the Development Code or are owned or operated by the City. Such covenant shall require grantees to install, maintain and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

(DC § 10.273)

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Chapter 12.56 WATER, SEWER AND DRAINAGE REQUIREMENTS[12.56.010 Water system.](#)

Each development site shall be provided with potable water and fire hydrants, and mains shall be installed as required by the city fire marshal.

(DC § 10.340)

[12.56.020 Sanitary sewers General provisions.](#)

- A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions of the Standard Specifications Manual.
- B. The city engineer shall approval all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Proposed sewer system shall include consideration of additional development within the areas as projected by the Comprehensive Plan.
- D. Proposed development shall make provisions for any right-of-way, easement, trunk line, or pumping station specifically designated in an approved master sewerage plan or capital improvements plan. The cost for such provisions shall be assessed as specified in the master sewerage plan or capital improvements plan.
- E. Development may be restricted by the Planning Commission where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

(DC § 10.280)

[12.56.030 Storm drainage General provisions.](#)

The Planning Commission shall allow development only where adequate provisions for storm and flood water runoff have been made as determined by the city engineer. The stormwater drainage system shall be separate and independent of any sanitary sewerage system. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns shall be shown on every development proposal plan.

(DC § 10.290)

[12.56.040 Stormwater easements.](#)

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. Streets or parkways parallel to watercourses may be required.

(DC § 10.300)

[12.56.050 Accommodation of upstream drainage.](#)

A culvert or other drainage facility shall, and in each case be large enough, to accommodate potential runoff from its entire upstream drainage area whether inside or outside of the development. The city engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(DC § 10.310)

[12.56.060 Effect on downstream drainage.](#)

Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Planning Commission shall withhold approval of the development until provisions have been made for improvement of said potential condition.

(DC § 10.320)

[12.56.070 Drainage management practices.](#)

In the absence of a drainage basin master plan, a development may be required to employ drainage management practices approved by the city engineer which minimize the amount and rate of surface water runoff into receiving streams. Drainage management practices may include, but are not limited to:

- A. Temporary ponding of water;
- B. Permanent storage basins;
- C. Minimization of impervious surfaces;
- D. Emphasizing natural water percolation and natural drainageways;
- E. Prevention of water flowing from the roadway in an uncontrolled fashion;
- F. Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
- G. Runoff from impervious surfaces shall be collected and transported to a natural drainageway with sufficient capacity to accept the discharge.

(DC § 10.330)

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Chapter 12.60 MANUFACTURED AND MOBILEHOMES[12.60.010 Mobilehome placement standards.](#)

All mobilehomes placed within the City after the effective date of the adoption of the Development Code shall be placed within a City-approved mobilehome park.

(DC § 12.000)

[12.60.020 General provisions.](#)

- A. **Conditional Use Required.** As provided in this chapter, manufactured/mobilehome parks and expansions thereof are permitted in the R-1, R-2 and R-3 districts in accordance with the standards of this chapter, and the standards for conditional use permit procedures.
- B. **Same Standards Apply as for Conventional Development.** Except as specified otherwise by this chapter, the standards for developing land within manufactured/mobilehome parks shall be the same as for all other development in accordance with the provisions of the Development Code for site improvements, buffering, landscaping, fencing, parking, driveways, public improvements, addressing, signs, and bonding of improvements.
- C. **State Requirements.** Where standards for manufactured/mobilehome parks are established by state law or administrative rule, such requirements shall be in addition to the provisions of this chapter.
- D. **Definitions.** For purposes of this chapter only, the definitions of terms used herein and not defined in Section 12.04.080 of the Development Code shall be as defined in ORS Chapter 446, or Department of Commerce Administrative Rule.
- E. **Conditions.** The Planning Commission may approve, approve with conditions, or deny an application for a manufactured/mobilehome park based on compliance with this chapter: General Provisions, Manufactured/ Mobilehome Placement Standards, General Limitations, Minimum Site Requirements, and Design and Submission of Manufactured/ Mobilehome Park Plans.

(DC § 12.110)

[12.60.030 Manufactured/mobilehome placement standards.](#)

All mobilehomes placed within manufactured/mobilehome parks after the effective date of the initial adoption of the Development Code shall comply with the following:

- A. All mobilehomes placed within the City must meet either:
1. Meet the standards of the National Manufactured Homes Construction and Safety Standards Act of 1974; or
 2. Meet a safety inspection conducted by the Marion County building inspector or his/ her designate;
 3. Meet the state Energy Code standards.
- B. Mobilehomes shall contain a minimum of one thousand (1,000) square feet within the factory-built walls.
- C. Mobilehomes shall be placed upon a permanent foundation, concrete blocks, or concrete pad, with wheels and hitches

- removed, and shall have a continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces.
- D. A garage or carport shall be provided for each mobilehome prior to occupancy which shall be separated from a mobilehome by not less than three feet and any lot line or space boundary by not less than five feet. Approved mobilehome accessory structures, such as metal awning-type carports, may be attached to the mobilehome.
- E. Except for a structure which conforms to the state definition of a mobilehome accessory structure, no extension shall be attached to a mobilehome.
- F. All mobilehome lots and spaces shall be provided with storm drainage, sanitary sewer, electric telephone, cable TV, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground.
- G. The combined total of mobilehomes, accessory structures, and parking areas shall occupy not more than forty (40) percent of the total land area, excluding streets, in a mobile-home park.
- H. Permanent walkways of not less than three feet in width shall be provided from each mobilehome main entrance to the nearest public or private street.
- I. Each mobilehome shall be provided with a patio adjacent to the mobilehome, constructed of permanent material, and containing at least one hundred twenty (120) square feet, with a minimum width of eight feet in its least dimension.
- J. Except where garages are constructed, each mobilehome shall be provided with a permanent storage building (which may be attached to or adjacent to the carport), containing a minimum of thirty-two (32) square feet of floor area. In lieu of this requirement, a combined storage facility may be provided which contains a minimum of thirty-two (32) square feet of storage space for each mobilehome space. The height of this structure shall not exceed thirteen (13) feet.
- K. A mobilehome shall not be used for living purposes unless connected to local water, sewers, and electrical systems.

(DC § 12.120)

[12.60.040 General limitations.](#)

- A. **Minimum Area Required.** Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by Charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.
- B. **Density.** The maximum number of mobilehomes allowed within a mobilehome park shall be computed by dividing the total land area of the park, including private streets and common areas, by the minimum lot area per dwelling unit allowed within the subject zoning district. However, total density shall not exceed ten (10) units per acre.
- C. **Permitted Uses.** Mobilehome parks may contain mobilehomes and accessory structures, community laundry and recreation facilities, and other common buildings for use by park residents only, and one residence other than a mobilehome for the use of a caretaker or a manager responsible for maintaining or operating the property.
- D. **Consistency with Other Regulations.**
1. A development proposal which otherwise meets the requirements of the Development Code and applicable state standards is considered to meet the general criteria of Chapter 12.84, Conditional Use Permits, Section 12.84.040(A)(2) and (A)(3)(a) and (e).
 2. Notwithstanding the provisions of Section 12.84.050 regarding conditional use permits, the Planning Commission shall only designate conditions as necessary to ensure compliance with the Development Code.
 3. This standard shall be consistent with state of Oregon mobilehome park standards.

(Ord. 578 § 1, 1997; Ord. 536 § 5, 1993; DC § 12.130)

12.60.050 Minimum site requirements.

- A. **Park Streets.** The minimum surfaced width of the roadway within an accessway shall be twenty-four (24) feet if there is no parking allowed, and thirty (30) feet if parking is allowed on one side only, and thirty-six (36) feet if parking is allowed on both sides. The first fifty (50) feet of the accessway measured from the public street shall be surfaced to a minimum width of thirty (30) feet and shall be connected to the existing public street according to plans approved by the city engineer.
- B. **Improvement Standards.** The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted state standards or shall conform to the City's Standard Specifications Manual, whichever is more restrictive.
- C. **Recreation Area.**
1. A minimum of two hundred (200) square feet per mobilehome space of outdoor or indoor recreation area shall be provided, which may be in one or more locations in the park. At least one recreation area shall have a minimum dimension of fifty (50) feet by one hundred (100) feet.
 2. A separate play area shall be provided in all mobilehome parks that accommodate children under fourteen (14) years of age. Such play area shall be not less than two thousand five hundred (2,500) square feet in area with at least one hundred (100) square feet of play area provided for each mobile-home lot where occupancy by children is permitted.
- Exceptions:
- a. Separate play areas are not required if mobilehome parks are restricted (as shown on their license) to children over the age of fourteen (14) years.
 - b. Separate play areas are not required when the mobilehome parks accommodate children under the age of fourteen (14) years when the mobilehome lot areas are at least four thousand (4,000) square feet in size.
- D. **Sidewalks.** A minimum of three foot wide walkways shall connect each mobile-home space with common areas, public streets, and play areas.
- E. **Lighting.** All accessways and walkways within the park shall be lighted at night to provide a minimum of 0.25 footcandles of illumination.
- F. **Placement.** Mobilehome stands and placement shall be in accordance with state Department of Commerce, Building Codes Division, requirements.
- G. **Screening.** Mobilehome parks shall include buffering and screening.
- H. **Signs.** One freestanding nonilluminated sign identifying the mobilehome park will be allowed at each entrance to the park. Such signs shall not exceed thirty-two (32) square feet and shall be subject to clear vision area requirements.
- I. **Information Sign.** At each entrance to a mobilehome park a permanent map layout shall be located on a sign indicating the address or space number of each mobilehome.
- J. **Fire Hydrants.** If a mobilehome space or permanent structure in the park is more than five hundred (500) feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within five hundred (500) feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
- K. **Storage Areas.** Mobilehome parks may include outside or covered storage areas for recreational vehicles or other equipment used by park residents, provided that such areas are surfaced and drained in accordance with City standards and include buffering and screening from all residences.
- L. **Mobilehome Spaces.** Mobilehome spaces shall be indicated on the development plan and each space clearly identified by the number on-site. Such spaces shall not exceed the density and coverage limitations of the Development Code. In design of

a mobilehome park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of mobilehome types with accessory structures and required setbacks.

M. Setbacks. The following setbacks shall apply within mobilehome parks:

1. Distance between mobilehomes shall be fifteen (15) feet;
2. Distance from a park building other than an accessory structure shall be ten (10) feet;
3. Distance of a mobilehome or accessory structure from a space boundary shall be three feet except where a carport, garage, or storage structure is shared by adjoining spaces, in which case the shared facilities may be attached at the space dividing line;
4. Distance of a mobilehome or accessory structure from an exterior park boundary or public right-of-way shall be twenty (20) feet;
5. Distance of a mobilehome or accessory structure from a roadway within the park shall be ten (10) feet;
6. Distance of an accessory structure, other than an approved mobilehome accessory structure attachment, from a mobilehome shall be three feet.

N. Landscaping. All common areas within a mobilehome park, exclusive of required buffer areas, buildings and roadways, shall be landscaped and maintained in accordance with the landscape plan approved by the Planning Commission. All mobilehome spaces shall be similarly landscaped within six months of mobilehome placement. Such landscaping shall be the responsibility of the park owner unless, under terms of the space rental agreement, grading and materials are supplied by the park owner and labor is furnished by the renter.

O. Parking. Mobilehome parks shall be designed to include two automobile parking spaces for each mobilehome space, which may include a garage or carport space and the driveway. In addition, one guest space shall be provided for every eight mobilehome spaces in a park. Office and common buildings shall be provided with one space for each three hundred (300) square feet of floor area, which may be combined with required guest parking located within three hundred (300) feet of such building.

(DC § 12.140)

[12.60.060 Design and submission of manufactured/mobilehome park plans.](#)

A. Plot Plans Required. The application for a new or expansion of an existing mobilehome park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobilehome park and should be drawn to a scale not smaller than one inch representing fifty (50) feet. The drawing shall include all of the following information:

1. Plot plan of land indicating location of adjacent streets and all private right-of-way existing and proposed within three hundred (300) feet of the development site;
2. A legal boundary survey;
3. Boundaries and dimensions of the mobilehome park;
4. Location and dimensions of each mobilehome space;
5. Name of mobilehome park and address;
6. Scale and north point;
7. Location and dimensions of each existing or proposed structure, together with the usage and approximate location of all entrances, height and gross floor area;

8. Location and width of accessways;
9. Location and width of walkways;
10. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
11. Extent, location, arrangement and proposed improvements of all open space, landscaping, fences and walls, and garbage receptacles;
12. Architectural drawings and sketches demonstrating the planning and character of the proposed development;
13. Total number of mobilehome spaces;
14. Location of each lighting fixture for lighting mobilehome spaces and grounds;
15. Location of recreation areas, buildings, and area of recreation space in square feet;
16. Location and type of landscaping, fence, wall or combination of any of these, or other screening material;
17. Location or point where mobilehome park water and sewer system connects with the public system;
18. Location of available fire and irrigation hydrants;
19. Enlarged plot plan of typical mobile-home space, showing location of the stand, patio, storage space, parking, sidewalks, utility connections and landscaping;
20. A construction time schedule and development phase plan.

B. Detailed Plans Required. At the time of application for a permit to construct a new park or to expand an existing mobilehome park, the applicant shall submit five copies of the required detailed plans:

1. New structures;
2. Water and sewer systems;
3. Utility easements;
4. Road, sidewalk and patio construction;
5. Drainage system, including existing and proposed finished grades;
6. Recreation area improvements.

C. Before construction of a swimming pool in a mobilehome park, two copies of plans approved by the Oregon State Board of Health shall be filed with the building inspector.

(DC § 12.150)

[12.60.070 Manufactured homes outside manufactured/mobilehome parks.](#)

The following standards shall be applied to all manufactured homes to be placed in any residential zoned district within the City and outside a manufactured/mobilehome park:

A. The manufactured homes shall meet all of the residential design standards specified in Sections 12.20.055 through 12.20.080.

B. The manufactured homes shall:

1. Be multisectional (double wide or wider);
2. Be placed on an excavated and backfilled foundation and have an enclosed poured concrete or concrete block perimeter such that the manufactured home is located not more than twelve (12) inches above existing grade;
3. Have a pitched roof of at least three feet in height for each twelve (12) feet in width;

4. Not have bare metal siding or roofing; siding shall be lap aluminum, vinyl or wood; roofing shall be wood shake/shingle, composition shingles or tile;
5. Not be sited adjacent to any structure listed on the Jefferson Register of Historic Landmarks;
6. Shall meet all other development standards for site-built single-family dwellings, i.e., parking requirements, landscaping, height, setback, etc.; and

C. The manufactured home shall meet one of the following:

1. Be new (not previously occupied); or
2. Have been constructed within five years of the date of placement and be approved by the Development Official ensuring that the condition of the exterior is substantially the same as new. Deficiencies that must be corrected include, but are not limited to, peeling or chipping paint, damaged or missing gutters, trim pieces, siding, or shingles; or
3. Have been constructed within ten (10) years of the date of placement and be approved by the Planning Commission through a Conditional Use Permit ensuring that the condition of the exterior is substantially the same as new. Conditions placed upon the applicant may address any of the deficiencies listed in subsection (C)(2) of this section or other items relating to the condition of the exterior.

(Ord. 633 § 6, 2003; Ord. 576 § 3, 1997; Ord. 526B, 1990; DC § 12.200)

[12.60.080 Special use permit for mobilehomes.](#)

A special use permit may be issued under a conditional use procedure, Type B hearing, to an applicant showing an undue hardship. The special use permit shall not exceed one year in length and shall be for use on a single lot in accordance with the following provisions:

A. Medical Hardship. The applicant must demonstrate to the Planning Commission with supporting factual information that nonconformance is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobilehome to be used can meet all City, county and state health and building requirements and is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permits shall be submitted to the Planning Commission at least twenty-one (21) days prior to consideration and shall contain:

1. A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;
2. A property plan showing in detail the proposed location and site of the mobilehome with respect to the surrounding area, setbacks, existing structures and improvements to be made;
3. A signed petition indicating approval of all legal property owners within seventy-five (75) feet of the subject property.

B. Permit. A permit issued for medical hardship shall include the following:

1. There shall be no change in occupancy under the permit.
2. Mobilehomes shall not be expanded or attached to a permanent structure.
3. Mobilehomes shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer lateral without paying a sewer hookup charge.
4. The mobilehomes shall be required to meet all setback requirements of residential dwellings and shall be situated

so as to have the least possible visual exposure to adjoining streets.

C. Temporary Uses. A special permit may be issued under the Type B procedure so as to provide adequate temporary building space for the following uses only:

1. Temporary on-site residence for owners whose home has been destroyed by fire, flood, wind, or other acts of God;
2. Previously approved temporary night watchman quarters shall continue only upon approval by and in compliance with conditions as approved by the Planning Commission;
3. Temporary offices accessible to the general public for use during construction or remodeling;
4. Temporary building space for education, nonprofit and government agencies.

D. The applicants for such special use permits shall make written application which shall include the following information:

1. A statement of intended use and length of time for use;
2. A property plan showing in detail the proposed location and size of the mobilehome with respect to the surrounding area, setbacks, structures and improvements to be made;
3. Evidence that the mobilehome complies with building and health codes.

E. The permit if issued shall contain the following restrictions:

1. There shall be no change in occupancy/ use under the permit.
2. Mobilehomes shall not be included or sold as a part of any property on which it is located.
3. Mobilehomes shall not be expanded or have attached permanent structures.
4. Mobilehomes shall have approved connections to utility systems as required by the City.
5. Use shall be limited to the function as set for in the application for the permit.

F. Right of Revocation. Planning Commission shall have the right to revoke any special use permit granted under this section within thirty (30) days' notice, if upon inspection the use is found to be in noncompliance with the application for which the permit is issued.

G. Renewal. The permit as issued shall not exceed a period of one year from the date of issue at which time it shall expire. The Planning Commission shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of the special use permit under this section shall contain the same information as though the application was for an original special use permit.

(DC § 12.300)

[12.60.090 Recreation vehicle \(RV\) park.](#)

RV parks shall be built to state standards in effect at the time of construction and shall comply with the following additional standards:

- A. The space provided for each RV shall be not less than seven hundred (700) square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- B. Roadways shall be not less than thirty (30) feet in width if parking is permitted on the margin of the roadway, or less than twenty (20) feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.
- C. A space provided for an RV shall be covered with crushed gravel or paved with asphalt, concrete or similar material and

be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an accessway to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

D. An RV space shall be provided with piped potable water and sewage disposal service. An RV staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

E. An RV space shall be provided with electrical service.

F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.

G. No RV shall remain in the park for more than sixty (60) days in any ninety (90) day period.

H. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per RV space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each fifteen (15) recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and shower shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings or, if in the same building, shall be separated by a soundproof wall.

J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and fifteen (15) square feet of space for clothes drying lines for each ten (10) recreation vehicle spaces or any fraction thereof.

K. Building spaces required by subsections I and J of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than sixty-five (65) degrees Fahrenheit, shall have floor of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.

L. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height.

M. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

N. Parks located in a commercial zone are required to comply with the standards for an agricultural zone district for lot area, lot dimensions, lot coverage, and setback/yard requirements.

(DC § 12.400)

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Chapter 12.62 ACCESSORY DWELLINGS

[12.62.010 Purpose.](#)

The following standards are intended to permit additional dwellings while controlling the size and number of accessory dwellings on individual lots so as to promote compatibility with adjacent land uses.

(Ord. 642 § 16 (part), 2003)

[12.62.020 General description.](#)

An accessory dwelling is a small (usually the size of a studio apartment), secondary housing unit on a lot with an existing single-unit dwelling. The additional unit can be a separate cottage, a unit attached to or above a garage, or within a portion of the existing dwelling.

(Ord. 642 § 16 (part), 2003)

[12.62.030 Permitted in Mixed Use Zone.](#)

One accessory dwelling is permitted on a lot with a lawfully existing single-unit dwelling in the Mixed Use Zone. The housing density standard of the zone does not apply to an accessory dwelling meeting all of the requirements of this chapter. A maximum of one accessory dwelling is allowed per lot.

(Ord. 642 § 16 (part), 2003)

[12.62.040 Review and approval.](#)

Within the Mixed Use Zone review and approval is through the necessary building permits or change of occupancy inspection. Notice and a public hearing are not required.

(Ord. 642 § 16 (part), 2003)

[12.62.050 Building code.](#)

Construction of a new accessory dwelling must comply with all provisions of the building codes including structural, electrical, plumbing and mechanical codes. Conversion of a structure not previously in residential use requires a change of occupancy inspection to ensure building code compliance.

(Ord. 642 § 16 (part), 2003)

[12.62.060 Floor area.](#)

The maximum floor area of the accessory dwelling shall not exceed seven hundred fifty (750) square feet.

(Ord. 642 § 16 (part), 2003)

[12.62.070 Building height and setbacks.](#)

The height of a detached accessory dwelling (i.e., a separate cottage) shall not exceed the height limitations for the zone, and the setback standards of the zone shall be met.

(Ord. 642 § 16 (part), 2003)

[12.62.080 Screening.](#)

An application for an accessory dwelling shall include a site plan showing the location of the primary dwelling, proposed accessory dwelling, the general locations of adjoining buildings and yards, and any proposed screening. Additional screening may be required by the City when necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents. The screening guidelines in Section 12.42.140 apply to required screening.

(Ord. 642 § 16 (part), 2003)

[12.62.090 Architectural design.](#)

The design of the accessory dwelling, whether detached or attached, shall use materials and architectural features similar to the primary residence.

(Ord. 642 § 16 (part), 2003)

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Chapter 12.64 ADDRESSING

[12.64.010 Numbering.](#)

Numbers on all structures on the east side of streets extending north and south, and on all structures on the north side of streets extending east and west, shall be odd numbers commencing with the number one hundred one (101); and numbers on all structures on the west side of streets extending north and south, and on all structures on the south side of streets extending east and west, shall be even numbers commencing with the number one hundred (100).

(DC § 17.010)

[12.64.020 Establishing base line.](#)

Main Street in the City of Jefferson shall be the base line for commencing to number all streets extending east and west; and Union Street shall be the base line for commencing to number all streets extending north and south.

(DC § 17.020)

[12.64.030 Block designations.](#)

The numbering shall be fixed by blocks, and in cases where the properties are not platted in blocks, the confines of a block shall be fixed by the council.

Each block shall be allowed one hundred (100) numbers with fifty (50) numbers to each side of a street in the block. The numbers shall be assigned to structures on a frontage basis proportionate to the length of the block, and in the event a question arises as to the proper number for a particular structure, the question shall be decided by the city recorder.

(DC § 17.030)

[12.64.040 Determination of structure numbers.](#)

A. Measurement of Blocks. Determination of specific structure numbers will be made by measuring the distance, in feet, of each city block or grid. This measurement, divided by one hundred (100), will establish the factor to be assigned that block or grid.

B. Measurement to Structure. Measurement is made from the corner of the block or grid closest to the established base line street to the front door of the structure. This measurement is then divided by the factor assigned to that block or grid, add the block number and assign the number as directed by Section 12.64.010 as to odd or even side of the street.

(DC § 17.040)

[12.64.050 Obtaining number.](#)

It shall be the duty of every person owning, occupying or controlling any structure within the City to obtain from the city recorder the correct number for such structure and to number the same in accordance with provisions hereof, the same to be done within ninety (90) days after the passage of the Development Code, or upon obtaining a building permit for the erection

of any structure which may be constructed after passage of the Development Code.

(DC § 17.050)

[12.64.060 Placement of number.](#)

Pursuant to such system the numbers shall be placed on the front of each structure as near the main entrance as possible, in such manners as to be easily seen and read from the public ways, and in accordance with the map and plan now on file in the office of the city recorder, which shall be known as the official numbering map of the City of Jefferson.

(DC § 17.060)

[12.64.070 Size of number.](#)

All numbers shall be not less than two and one-half inches in height for the number proper, and shall be distinctly legible.

(DC § 17.070)

[12.64.080 Violation.](#)

It is unlawful for any person to fail or refuse to obtain a number or to place the same on any structure owned, occupied or controlled by such person, in the manner provided by this chapter; and it shall likewise be unlawful for any person to remove, alter or deface any number or to substitute any other number thereof. Any such act constitutes a violation of the Development Code and may be addressed as provided in Chapter 12.10.

(Ord. 612 § 9, 1999; DC § 17.080)

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Chapter 12.68 SIGNS

[12.68.010 Purpose.](#)

The regulation of signs within the City is intended to:

- A. Provide uniform sign standards for all signs erected within the City;
- B. Protect the public health, safety, property and welfare and protect the neat, clean, orderly and attractive appearance of the City;
- C. Improve the effectiveness of signs in identifying and advertising business.

(DC § 18.010)

[12.68.020 General regulations.](#)

- A. No signs on any premises shall be animated or flashing.
- B. Pole signs are prohibited.
- C. Ground-mounted signs shall not exceed ten (10) feet in height and eight feet in width. Wider signs may be allowed provided the total area of the sign does not exceed eighty (80) square feet.
- D. Rotating signs are prohibited.
- E. Only in commercial, industrial, and mixed use zones shall flags, pennants, banners, pinwheels, or similar items be permitted outside a building during no more than fifteen (15) days. No more than one such display shall be allowed on any site during any consecutive six-month period.
- F. No sign shall extend more than twenty (20) feet in height above grade.
- G. A development site shall be allowed one unlighted sign not to exceed eight square feet of area per side or sixteen (16) square feet of total area pertaining to the sale, lease or hire of the particular building, property or premises upon which the sign is displayed.
- H. A development site shall be allowed one unlighted political campaign sign not exceeding four square feet of area per side or eight square feet in total area. Such signs may announce candidates or other ballot measures. Such signs shall be removed within two weeks after elections.
- I. Hospitals, churches, nursing homes, schools, and similar uses shall be allowed one sign not to exceed twenty (20) square feet of area per side or forty (40) square feet in total area.
- J. The United States flag and the state of Oregon flag shall be permitted on any premises outside a building at any time.
- K. Prior to the installation of any sign, the applicant or property owner shall file for a sign permit with the City. The installation shall be according to the approval of the Marion County building inspector and in compliance with the Development Code.

(Ord. 642 § 17, 2003; Ord. § 583 § 3, 1998; DC § 18.020)

12.68.030 Residential and mixed use signs.

The following signs are permitted in a residential district or mixed use district:

- A. One nonilluminated name plate or non-commercial sign not exceeding one and one-half square feet in area for each dwelling;
- B. One nonilluminated sign not exceeding three square feet in size as part of a home occupation or day care facility, as approved in writing by the Planning Commission. Signs for home occupations shall not be freestanding, but shall be attached to the dwelling;
- C. One nonilluminated sign pertaining to the lease, rental or sale of the property and not exceeding eight square feet in area;
- D. Noncommercial signs such as garage sales, etc., shall be removed within seven days of posting;
- E. One indirectly illuminated sign not exceeding thirty-two (32) square feet on each of a maximum of two sides as part of an apartment complex, as approved in writing by the Planning Commission. Signs attached to a building shall not project above the eaves of the building, and freestanding signs shall meet all fence and vision clearance requirements. Definition of apartment complex as defined for sign purposes only: any housing complex that has more than four self-contained dwelling units on any one nonpartitioned or subdivided property.

(Ord. 642 § 18, 2003; Ord. 573 § 3, 1996; DC § 18.030)

12.68.040 Commercial and mixed use signs.

The following signs are permitted in a commercial district or mixed use district:

- A. Dwelling Units. One nonilluminated sign not exceeding one square foot in area per side and bearing only property numbers, post box numbers, and names of occupants of premises; and on occasion, for a brief time, one nonilluminated sign, not exceeding eight square feet in area, pertaining to the lease, rental or sale of the property;
- B. One illuminated or nonilluminated ground-mounted sign containing only the name, identifying symbol or trademark for each site under separate ownership, not to exceed eighty (80) square feet in total area for one or more sides. Lighting shall be shielded and directed onto the sign and not shine or glare onto adjacent property or street;
- C. One flush-mounted wall sign for each leasable unit not exceeding one hundred (100) square feet in area for each commercial street frontage;
- D. Signs for traffic and customer directions shall be permitted, provided no such sign is more than four square feet in area;
- E. One ground-mounted or flush-mounted reader board for each development site under separate ownership, not to exceed forty (40) square feet in total area for one or more sides.

(Ord. 642 § 19, 2003; Ord. 583 § 4, 1998; DC § 18.040)

12.68.050 Industrial signs.

Only the following signs shall be permitted in the industrial district:

- A. One sign not exceeding four square feet in area per side and bearing only property numbers, post box numbers and/or name of occupant of premises;
- B. One illuminated or nonilluminated ground-mounted sign containing only the name, identifying symbol or trademark for each site under separate ownership, not to exceed eighty (80) square feet in total area for one or more sides. Lighting shall be shielded and directed onto the sign and not shine or glare onto adjacent property or street;

C. One ground-mounted or flush-mounted reader board for each development site under separate ownership, not to exceed forty (40) square feet in total area for one or more sides;

D. One flush-mounted wall sign for each leasable unit not exceeding one hundred (100) square feet in area for each commercial street frontage.

(Ord. 583 § 5, 1998: DC § 18.050)

[12.68.060 Design, construction and maintenance.](#)

All signs shall be designed, constructed, altered and maintained according to the following standards:

A. All signs shall comply with City regulations and the applicable provisions of the Oregon Structural Specialty Code (Marion Co. building inspection) and other applicable county structural, electrical and other regulations.

B. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure.

C. All signs shall be maintained in good structural conditions.

D. The owner of the property on which the sign is located shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

(Ord. 583 § 6, 1998: DC § 18.060)

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Chapter 12.72 HEARING AND APPEAL PROCEDURES

[12.72.010 Hearing procedures designated.](#)

The Jefferson Development Code includes four different hearing or review procedures. These procedures vary mainly in the provision of public notice and review. These procedures shall be known as Written comment, Type A hearing, Type B hearing and Type C hearing.

(Ord. 642 § 20, 2003: DC § 2.010)

[12.72.020 Application submission and schedules.](#)

Completed applications and appropriate fees shall be submitted to the city recorder at least thirty (30) days prior to the next regularly scheduled public meeting of the hearing body at which a hearing is desired.

(Ord. 536 § 1, 1993: DC § 2.015)

[12.72.025 Written comment procedure.](#)

This procedure includes mailed notice and an opportunity for written comment, but does not include a public hearing. The decision is made at the staff level by the development official, and does not involve the Planning Commission unless appealed. The process is as follows:

- A. Upon submittal of an application, notice is mailed to the owners of all property within 100 feet of the subject property. The list of owners shall be provided by the Marion County Tax Assessor at the applicant's expense. The notice shall conform to Section 12.72.090 except that the notice shall substitute information on how and when to submit comments in place of the date, time and location of a hearing, and the notice shall state that notice of the decision will be mailed to any party so requesting.
- B. Written comments shall be accepted by the City for at least ten days from when the notice was mailed.
- C. After reviewing the application, relevant decision criteria, code provisions, and written comments, the development official shall make a decision to approve, approve with conditions, or deny the application.
- D. Written notice of the decision shall be mailed to the applicant and to all parties that submitted comments or requested such notice.
- E. The development official's decision may be appealed to the Planning Commission by an affected party by filing a notice of appeal within fifteen days of the written notice of decision. If no appeal is filed, the decision becomes final fifteen days after the written notice.

(Ord. 642 § 21, 2003)

[12.72.030 Type A hearing procedures.](#)

The Type A procedure requires an administrative review of an application by the Planning Commission. The City provides

public notice to all property owners within one hundred (100) feet of the subject property a minimum of ten (10) days prior to the commission meeting, but does not require a public hearing. The applicant shall supply the list of names and addresses of property owners to receive notice. An approval of any Type A request becomes effective fifteen (15) days after the decision to allow time for any appeal.

(DC § 2.020)

12.72.040 Type B hearing procedures.

A. Under the Type B procedure, an application is scheduled for public hearing before the Planning Commission pursuant to this chapter. The city recorder shall notify all property owners within three hundred (300) feet of the subject property. The applicant shall supply a list of the names and addresses of the owners of property to receive notice. The mailing list must be certified by the applicant as accurate and complete as found from the current county assessor's records.

B. At the public hearing, the staff, applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the applications should or should not be approved or proposing modifications that are necessary for the approval. The Planning Commission may attach certain development of use conditions in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the City; to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City; and to otherwise fulfill the criteria for approval. In approving or denying a Type B development request, the Planning Commission shall make findings addressing relevant criteria of the Development Code.

(DC § 2.030)

12.72.050 Type C hearing procedures.

A. Under the Type C procedure, an application is scheduled for public hearing before the Planning Commission pursuant to this chapter. The procedure shall cause notice to be published pursuant to this chapter and notify property owners within three hundred (300) feet of the subject property. The applicant shall supply a list of the names and addresses of the owners of property to receive notice. The mailing list must be certified by the applicant as accurate and complete as found from current county assessor's records.

B. At the public hearing, the staff, the applicant, and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria for approval as specified in the sections of the Development Code pertaining to the type of request involved; or they may give proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the criteria applicable. A written report shall be submitted to the City Council.

C. If the Planning Commission has recommended against a proposal the City Council will not consider the proposal except on appeal by the applicant. For a proposal on which the Planning Commission has made a favorable recommendation, the City Council shall conduct a public hearing within forty-five (45) days. The City Council shall set a date for the hearing. An applicant may request a hearing delay of up to six months. The form of notice and person to receive notice are the same as for Planning Commission review. Council hearing notices shall be provided by the city recorder. At the public hearing the staff shall review the report and findings of the Planning Commission and provide other pertinent information. Interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter should or should not be approved and, if approved, the conditions desired in approving the action.

D. To the extent that a finding of fact is required, the City Council shall make a finding for each of the criteria applicable and

in doing so may sustain or reverse a finding of the Planning Commission. The council may delete, add, reject or modify any of the provisions pertaining to the proposal or recommendation of the Planning Commission, or attach certain development or use conditions if the council determines the conditions are appropriate to fulfill the criteria for approval.

E. Decisions to approve a Type C request shall be by passage of an ordinance.

(DC § 2.040)

12.72.060 Type of procedure by application.

Applications submitted to the City shall be processed according to the procedure listed below.

A. The following changes or activities do not require any application to the City or review:

1. Change in owner, tenant, or occupant without change in use;
2. Change in use within a category of use as listed in the relevant section of the Development Code (e.g. 12.12.040 and 12.30.030);
3. Operation of a group child day care home as defined by ORS 418.805 or a residential home as defined by ORS 443.400 that does not require a building permit.

B. The following activities shall be reviewed by the development official without notice or hearing:

1. Construction, alteration or expansion of detached single-family dwellings and duplexes;
2. Construction of the first accessory building in a residential zone;
3. Accessory dwellings within the Mixed Use Zone.

C. Written Comment Procedure. This procedure shall be used to process applications for the following activities:

1. Change of use of an existing building from one category of use to a different category of use as listed in the relevant section of the Development Code (e.g., Sections 12.12.040 and 12.30.030);
2. Expansions of a building (other than a single-family dwelling or duplex) by four hundred (400) square-feet or less which comprises less than twenty-five (25) percent of the existing area.

D. Type A Procedure. This procedure shall be used to process applications for the following activities:

1. Site Plan Review for new buildings intended for uses listed as permitted uses, Sections 12.12.040, 12.12.050, and 12.30.030;
2. Site Plan Review for accessory dwellings outside of the Mixed Use Zone;
3. Site Plan Review for expansions of a building (other than a single-family dwelling or duplex) by more than four hundred (400) square-feet or greater than twenty-five (25) percent of the existing area; and
4. Partitions.

E. Type B Procedure. This procedure shall be used to process the following applications:

1. Conditional Use Permits for activities listed as conditional uses, Sections 12.12.040, 12.12.050 and 12.30.040;
2. Subdivisions;
3. Variances to required standards;
4. Development on nonconforming lots or nonconforming developments; and
5. Interpretation of the Comprehensive Plan or Development Code.

F. Type C Procedure. This procedure shall be used to process the following applications:

1. Annexations;
2. Development Code text amendments;
3. Zone changes;
4. Comprehensive Plan amendments, including map designations;
5. Vacations of publicly owned property; and
6. Urban growth boundary amendments.

(Ord. 642 § 22, 2003: DC § 2.100)

[12.72.070 Responsibility for hearings.](#)

The city recorder shall carry out the following duties pertaining to a hearing, all in accordance with other provisions of the Development Code:

- A. Schedule and assign the matter for review and hearing;
- B. Conduct the correspondence of the hearing body;
- C. Mail required notices of public hearings at least twenty (20) days before the evidentiary hearing or ten (10) days before the first evidentiary hearing if two or more are allowed;
- D. Mail notices of actions at least ten (10) days before the decision for applications processed under a Type A procedure;
- E. Provide advance notice of all hearings and written decisions to persons requesting the same and not entitled to such by this chapter, provided that such persons pay the actual cost for the service provided as established by the City (applicants excepted).

(Ord. 536 § 2 (part), 1993: DC § 4.010)

[12.72.080 Planning Commission s responsibility for hearing.](#)

The secretary of the Planning Commission shall carry out the following duties pertaining to a hearing before the Planning Commission:

- A. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances, and a summary of action taken by the hearings body;
- B. Prepare minutes to include the decisions on the matter heard and the reasons given for the decision.

(DC § 4.015)

[12.72.090 Notice of hearing.](#)

Notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action, the contents of the notice shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized. In the case of a zone change, then a list of potential permitted uses should be listed;
- B. List the applicable approval criteria to the issue;
- C. Identify the location of subject property for which a development permit or other action is pending, including but not limited to use of a map or postal address, or a subdivision lot and block designation, or a metes and bounds description, or the tax map designation of the county assessor;

- D. State the date, time and location of the hearing;
 - E. State that failure to raise an issue with sufficient specificity will preclude the ability to raise that issue before LUBA;
 - F. Include the name of a local government representative to contact for additional information;
 - G. State that a copy of the application and all documents and evidence relied upon by the applicant are available for inspection at no cost and will be provided at reasonable cost;
 - H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be available at reasonable cost;
 - I. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (Ord. 536 § 2 (part), 1993: DC § 4.020)

[12.72.100 Availability of documents and additional evidence.](#)

- A. All documents or evidence relied upon by the applicant shall be available twenty (20) days prior to the first evidentiary hearing. All information for processing applications under a Type A procedure shall be available ten (10) days prior to the Planning Commission meeting date scheduled to review the application.
 - B. Any staff report shall be available seven days prior to the hearing.
 - C. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.
 - D. Any party may request that the record remain open for at least seven days.
- (Ord. 536 § 2 (part), 1993: DC § 4.025)

[12.72.110 Procedure for mailed notice.](#)

- A. Unless otherwise provided, addresses for a mailed notice required by the Development Code shall be provided by the applicants. The mailing list must be certified by the applicant as accurate and complete as found from current county assessor's records. A person whose name is not in the tax records at the time of filing of an application, or of initiating other actions not based on an application, may only receive a notice if the person provides the planning department with the necessary address(es). Any failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of the Development Code for notice.
- B. In addition to persons receiving notice as required by the matter under consideration, the city recorder may provide notice to others he/she has reason to believe are affected, or otherwise represent an interest that may be affected by the proposed development.
- C. If posted notice is required, it shall be posted in at least one conspicuous place within the area containing the affected property.
- D. Required published notice shall be published in a newspaper of general circulation at least once during the week preceding the hearing and additionally as may be required by state law for a particular proceeding.
- E. Cost of notice mailings shall be included in the development application fee.
- F. When the City receives a request for a proposed change in zoning for an area which is, at that time, a manufactured/mobilehome park, notice shall be mailed to the tenants of the park at least twenty (20) days, but not more than forty (40) days, prior to the date of the initial hearing before the Planning Commission. This requirement shall be additional to all other

notification requirements.

(DC § 4.030)

[12.72.120 Challenges to impartiality.](#)

Except for legislative hearings, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. A challenge shall be delivered by personal service to the city recorder not less than forty-eight (48) hours preceding the time set for public hearing. The city recorder shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record at the time of hearing.

(DC § 4.040)

[12.72.130 Disqualification.](#)

Except for legislative hearings, no member of a hearing body shall participate in a discussion of the proposal without removing himself/herself from the bench or shall vote on the proposal when any of the following conditions exist:

A. Any of the following have a direct or substantial financial interest in the proposal: The hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business in which the member is a principal or employee or in which the member is negotiating for acquisition of such interest or employment.

B. If a quorum of a hearing body abstains or is disqualified, all members present after stating their reasons for abstention or disqualification shall, by so doing, be requalified and proceed to resolve the issues.

C. Except for legislative hearings, any members absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received and so states on the record.

(DC § 4.050)

[12.72.140 Burden and nature of proof.](#)

Except for a legislative determination, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and to applicable provisions of the Development Code, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal:

A. Mistake in the original designation or provision;

B. Change of circumstances such that the existing condition is no longer in conformance with the intent of the Comprehensive Plan.

(DC § 4.100)

[12.72.145 Written comments.](#)

Interested persons may submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

(Ord. 643 § 51, 2004)

[12.72.150 Order of proceeding.](#)

The order of proceedings for a hearing will depend, in part, on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

A. Statement of Law. At the commencement of the hearing, a statement must be made by the chairperson which:

1. Lists the applicable approval criteria;
2. States that testimony must be directed towards those criteria;
3. States that testimony must be raised with sufficient specificity.

B. Before receiving information on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted in the record and if there are objections, the person presiding has the discretion to proceed or terminate;
2. Any abstentions or disqualifications shall be determined.

C. The person presiding at the hearing may take official notice of known information related to the issued, such as the following:

1. Provisions of the City Charter or state law, or of an ordinance, resolution or rule, or an officially promulgated policy of the City;
2. Other public records and facts judicially noticeable by law.

D. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, that the hearing body may take notice of matters listed in subsection B of this section if stated for the record. Any matter given official notice may be rebutted.

E. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view in the record.

F. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

G. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

(Ord. 536 § 2 (part), 1993; DC § 4.110)

[12.72.160 Decision.](#)

Following the hearing procedure described above, the hearing body shall approve, amend or deny the application; or if the hearing is in the nature of an appeal, either affirm, modify, reverse or remand the decision that is on appeal. The decision shall also be subject to the following time constraints:

A. The City shall take final action on any permit or zone change application, including all appeals, within one hundred

twenty (120) days of the filing with the city recorder of a completed application.

- B. If an application for a permit or zone change is incomplete, the city recorder, or his or her designate shall notify the applicant of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the city recorder of the indicated missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the thirty-first day after the City first received the application.
- C. If the application was complete when first submitted or the applicant submits the requested information within one hundred eighty (180) days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- D. The one hundred twenty (120) day period may be extended for a reasonable period of time at the request of the applicant.
- E. The one hundred twenty (120) day period applies only to decisions wholly within the authority and control of the City.
- F. The one hundred twenty (120) day period does not apply to an amendment of the Comprehensive Plan or land use regulations or adoption of a new land use regulation that was forwarded to the director under ORS 197.610 (1).
- G. If the City does not take final action on the application for a permit or zone change within one hundred twenty (120) days after the application is deemed complete, the applicant may apply in the circuit court of Marion County for a writ of mandamus to compel the City to issue the approval. The writ shall be issued unless the City shows that the approval would violate a substantive provision of the Comprehensive Plan or land use regulation.

(DC § 4.120)

[12.72.170 Findings.](#)

The hearing body shall adopt findings based upon the applicant's report, staff report and/or testimony presented at the hearing. The staff report and findings shall include:

- A. A statement of the applicable criteria and standards of the Development Code against which the proposal was tested, and what is required to achieve compliance with the criteria and standards;
- B. A statement of the facts establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards;
- C. The reasons for a conclusion to approve or deny;
- D. The decision or recommendation to deny or approve the proposed change with or without conditions.

(DC § 4.130)

[12.72.180 Record of proceedings.](#)

When possible, the secretary to the hearing body will be present at each hearing and shall cause the proceedings to be recorded. Should it not be possible for the secretary to be present, proceedings will be recorded electronically and minutes will be taken from the tape.

- A. Testimony shall be transcribed at the cost of the requesting party if required for judicial review.
- B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired, at which time the exhibits may be released to the person identified thereon or otherwise disposed of.

C. The staff report and decision shall be included in the record.

D. A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

(DC § 4.140)

[12.72.190 Appeals.](#)

A. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing a notice of appeal within fifteen (15) days of the decision. The notice of appeal shall indicate the decision that is being appealed.

B. An applicant or appellant shall be required to raise any issue before the Planning Commission or the City Council with sufficient specificity so as to have afforded the commission or council, and the applicant if appropriate, an adequate opportunity to respond to and resolve each issue.

C. At its discretion, the Planning Commission or City Council may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this chapter after notice has been provided to the affected parties.

(DC § 4.150)

[12.72.200 Appeals of expedited land division.](#)

See Sections 12.80.200 through 12.80.380.

(DC § 4.151)

[12.72.210 Requirements of notice of appeal.](#)

A notice of appeal shall contain:

A. An identification of the decision sought to be reviewed, including the date of the decision;

B. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;

C. The specific grounds relied upon for review;

D. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed below.

(DC § 4.160)

[12.72.220 Scope of review.](#)

The reviewing body shall in all appeal cases consider the record of the decision being appealed and shall provide that a hearing will be conducted to afford interested parties an opportunity to be heard.

(DC § 4.170)

[12.72.230 Review of the record.](#)

A. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

1. A factual report prepared by the city recorder;
2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review;
3. The minutes of the hearing including a detailed summary of the evidence.

B. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence to any party who has filed a notice of appeal.

(DC § 4.180)

[12.72.240 Review consisting of additional evidence or de novo review.](#)

A. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision:

1. Prejudice to the parties;
2. Convenience or availability of evidence at the time of the initial hearing;
3. Surprise to opposing parties;
4. The competency, relevancy and materiality of the proposed testimony or other evidence.

B. “De novo hearing” shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony of the previous consideration shall be included in the record of the review.

(DC § 4.190)

[12.72.250 Decision of the reviewing body.](#)

A. Upon review, the reviewing body may affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the reviewing body modifies or renders a decision that reverses a decision of the hearing body, the review body shall set forth its findings and state its reasons for taking the action.

B. When the reviewing body elects to remand the matter back to the hearing body for such further consideration as the reviewing body deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

C. Action by the reviewing body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The reviewing body shall render its decision no later than ninety (90) days after the filing of the request for review.

(DC § 4.200)

Jefferson Municipal Code

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[Title 12 DEVELOPMENT CODE](#)

Chapter 12.76 ANNEXATION, ZONING AMENDMENT AND VACATION PROCEDURES[12.76.005 Purpose and intent.](#)

The purpose and intent of this chapter is to:

- A. Allow for the orderly expansion of City boundaries;
- B. Ensure the logical extension of public services and infrastructure;
- C. Include informed public participation in annexation decisions;
- D. Ensure that annexations are carried out in compliance with Oregon State law, the charter of the City of Jefferson, the Jefferson Comprehensive Plan and all other legally binding requirements.

(Ord. 619 § 1, 2000)

[12.76.010 Annexation procedures.](#)

Except as provided in Section 12.76.015, all proposals to annex territory shall be considered under the following procedures and in compliance with Chapter 222 of the Oregon Revised Statutes (ORS) as enacted at the time of annexation:

A. An annexation may be initiated by the City Council, the Planning Commission or by application from one or more owners or residents of the territory proposed for annexation. An application to annex territory must be submitted to the City on a form prescribed by the City and must include payment of a fee set by resolution. If the development official determines that all of the required information has been submitted and that the territory is eligible for annexation, the proposal shall be reviewed using the procedures described below.

B. The proposal must receive the approval of the areas being annexed by any of the following methods:

1. Approval by a majority of the votes cast in an election by the registered voters of the area to be annexed.
2. Consent petition of at least half of the land owners, representing more than half of the land area involved, and representing more than half of the total assessed value of all real property in the subject area. See also ORS 222.120(7), ORS 222.170(1), ORS 222.170(4), and ORS 222.173.
3. A previously signed delayed annexation agreement that binds all existing and future property owners to approve annexation. A delayed annexation agreement may be entered into for any area within the urban growth boundary, either contiguous or not contiguous to the City, with City Council approval. However, annexation of the area does not actually occur until all criteria for annexation are met and the annexation process is completed.

C. The proposal must receive the approval of the City of Jefferson through a Type C Hearing as provided in Section 12.72.050 subject to the following modifications:

1. As required by ORS 222.120(3), notice of each hearing shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City, and shall be posted in four public places in the City for a like period. This is in addition to the notice mailed to property owners.
2. As required by the "Urban Growth Boundary and Policy Agreement" with Marion County, notice of the proposed annexation shall be sent to Marion County at least twenty (20) days prior to the Planning Commission hearing.

3. Disposition of the application by the City Council shall initially be by resolution, rather than by ordinance.

D. The proposal must receive the approval of the voters of the City of Jefferson as required by Section 3 of the charter of the City of Jefferson. Upon approval of a resolution by the City Council, the annexation shall be placed before the voters of the City in the manner prescribed by the resolution, but no later than the next available primary or general election.

E. When the requirements of Sections B, C, and D above have been met, the City Council shall proclaim the annexation in accordance with state law. The City shall report all annexations to the county clerk, county assessor, and the Secretary of State as required by state law.

(Ord. 619 § 2, 2000: DC § 3.010)

[12.76.015 State mandated annexations.](#)

A. The City may annex those areas constituting a state-declared health hazard in accordance with ORS 222.840 through 222.915 or other areas mandated by state law.

B. State-mandated annexations are not subject to the procedures in Section 12.76.010 and may be approved directly by the City Council by ordinance.

C. State-mandated annexations shall be considered using the criteria in Section 12.76.020, but may be approved by the City Council even if not all of the criteria are met.

(Ord. 619 § 3, 2000)

[12.76.020 Annexation criteria.](#)

A. Eligibility Criteria. Areas are eligible for annexation based on the following criteria:

1. The areas are contiguous to the existing city limits.
2. The areas are located within the Jefferson urban growth boundary as established by the Jefferson Comprehensive Plan.

B. Approval Criteria. The City shall only approve proposed annexations meeting the following criteria:

1. The land uses proposed in the territory to be annexed conform to the uses authorized in the Comprehensive Plan. If substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation, then the Comprehensive Plan must be amended before the annexation can be approved.
2. The annexation does not result in an island or enclave of unincorporated territory surrounded on all sides by the City.
3. An adequate level of urban services and infrastructure is available, or will be made available without serious negative impact to existing portions of the City, as further specified below.
 - a. "Adequate level" is defined in the relevant adopted plans and ordinances.
 - b. "Urban services" include police, fire protection, library, education, parks and recreation and other government provided services.
 - c. "Infrastructure" includes streets, sidewalks, water, sanitary sewer, stormwater drainage and other utilities.
 - d. "Available" includes availability of sufficient capacity at central facilities and plants, and availability at or to the areas proposed for annexation.
 - e. "Will be made available" means that the service or infrastructure will be available within a reasonable amount of time for existing developments and will be available prior to any additional development within the

areas proposed for annexation.

f. If improvements to infrastructure are secured by a development agreement or other funding mechanism that will place the primary economic burden on the territory proposed for annexation, then infrastructure deficiencies will not be considered to be a “serious negative impact to existing portions of the City.”

4. Sufficient planning and engineering data is available, and all necessary studies and reviews have been completed such that there are no unresolved issues. If there are significant unresolved issues or ongoing studies that could impact any of the annexation criteria, the annexation shall be delayed until the issue is resolved or the study is completed.

5. The overall impact of the annexation will be positive on the physical, economic, political, financial and social environment of the City.

6. The Planning Commission and City Council may consider, at their discretion, any other factors that affect the timeliness or wisdom of a proposed annexation.

(Ord. 619 § 4, 2000: DC § 3.020)

[12.76.030 Zoning of annexed property.](#)

A proposal for annexation shall include a City zoning designation request which shall be considered at the time of annexation under a Type C procedure. The criteria for considering an annexation zoning proposal shall be the same as the criteria for consideration of a zone change as outlined in Section 12.76.050. The zoning designation of annexed territory shall be specified in the annexation code and shall become effective upon acceptance of the annexation by the Secretary of State.

(DC § 3.030)

[12.76.040 Amendments of major zoning districts and special purpose districts.](#)

A proposal to change the zoning or special purpose district designation of a particular piece of property or area of the City may be initiated by the Planning Commission, City Council, or by petition of not less than half of the property owners representing more than half of the land area involved. Such proposals shall be considered under the Type C procedures as outlined in Section 12.72.050 or by the legislative action procedures as provided for in Sections 12.08.100—12.08.140.

All proposals for district amendments shall be submitted to the city recorder on a form prescribed by the City and shall include payment of required fees prior to processing. When the city recorder has determined that all of the required information has been submitted, the application shall be processed as required.

(DC § 3.040)

[12.76.050 District amendment criteria.](#)

Any zoning or special purpose district amendment proposal considered under a Type C procedure must be demonstrated to be in conformance with each of the following criteria:

A. The proposed amendment conforms to the Comprehensive Plan, or substantial changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the plan should be amended as proposed by the proponent of the change (in which case the plan must be amended prior to the final action on the district amendment);

B. If residential zoning is involved, the proposed residential zone or zones best satisfy the objectives of the Comprehensive Plan and do not exclude opportunities for adequate provision of low and moderate income housing within the subject

neighborhood areas.

(DC § 3.050)

[12.76.060 Vacation procedures.](#)

A proposal to vacate an easement, right-of-way, or plat may be initiated by the City Council, or by petition of adjoining area owners in accordance with ORS 271.080. Type C procedures as outlined in Section 12.72.050 shall be used as supplemented by the provisions of ORS Chapter 271.

Petitions for vacations shall be submitted on a form prescribed by the City and shall be accompanied by the required application fee.

(DC § 3.080)

[12.76.070 Vacation criteria.](#)

The City Council shall give consideration to the following criteria in reaching a decision on a vacation request:

- A. Conformance to applicable Comprehensive Plan policies and maps;
- B. Potential conflict with any minor or major street plan;
- C. Effect on access, traffic circulation, and emergency service protection;
- D. Need for access to existing properties or potential lots which would otherwise be without access to a public way.

(DC § 3.090)

Jefferson Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 12 DEVELOPMENT CODE](#)**Chapter 12.80 LAND DIVISION PROCEDURES**[Article I. Partitions and Subdivisions](#)[12.80.010 Partitionings.](#)

The applicant shall submit a tentative plan consisting of one reproducible copy of the application plan or four assessor's maps showing the area of the proposed partitioning together with the appropriate filing fees to the city recorder. No partition survey or legal description may be accepted by the City until tentative approval has been given by the Planning Commission. The tentative partition plan shall include the following information:

- A. Vicinity map;
- B. Names, addresses and telephone numbers of the landowner(s), developer(s) and mortgagee(s), the engineer or surveyor;
- C. North arrow, scale and date of preparation;
- D. Description of the property by tax lot;
- E. Statement of proposed use;
- F. The street(s) serving the parcels, its width and improvements;
- G. Location of services to the proposed parcels, e.g., sewer, storm sewer, water, power and telephone;
- H. Location of building(s) to remain, slope of the land, drainage ways, natural features (streets, marshes, rock outcroppings, etc.) and easements;
- I. The proposed parcel lines, dimensions and area of all proposed parcels;
- J. Any flood areas;
- K. Location of the proposed parcels by section, township and range;
- L. Filing deadline of the application is thirty (30) days prior to meeting.

(Ord. 536 § 4 (part), 1993; DC § 9.010)

[12.80.020 Staff review.](#)

The application shall be reviewed by the city recorder and the city engineer or his/her representative. They shall determine that the request is consistent with the Development Code and the Comprehensive Plan, and that the proposed parcels can be adequately served and are buildable.

(DC § 9.020)

[12.80.030 Planning Commission action.](#)

The Planning Commission shall consider the proposed partitioning in a Type A procedure at a regular meeting (there is no public hearing required). The Planning Commission, when considering the request, may deny, approve, or approve with modifications and conditions. As in any action of the Planning Commission, findings and conclusions must be made

supporting the decision.

The Planning Commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three parcels without subdividing.

Once the applicant has received tentative approval, he/she may authorize his/her surveyor to proceed with the partition survey and preparation of the legal descriptions of each parcel.

(DC § 9.030)

12.80.040 Partitions Final map.

The applicant shall submit final maps to the City, county surveyor and the county clerk. The final map shall comply with the format and data which follows, which are intended to clarify and supplement ORS 209. Additional information required by ORS 209 shall be included on all surveys filed for record. Also, map information required to comply with county regulations shall be placed on the map.

- A. The survey and final map of the land partition shall be made by a licensed land surveyor.
- B. The map to be filed with the county clerk shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film having a minimum thickness of .003 inches.
- C. The map to be filed with the county surveyor shall be an autopositive in black on polyester base film. A reproducible copy of the final map of the same material shall be filed with the city engineer.
- D. The map size shall be eighteen (18) inches by twenty-four (24) inches which includes a one-inch border on all sides. Metric dimensions are forty-six (46) centimeters by sixty-one (61) with a two and one-half centimeters border.
- E. The map shall include the scale, in a multiple of ten; date of survey, and north arrow preferably pointing to the top of the map.
- F. The map shall include a title block, top and center which states "Partition"; the location of the partition (by donation land claim; one-quarter section, township and range); and the owner(s) of the parcel.
- G. The map shall include a minimum (two inches by two inches) to be reserved in a corner of the survey map for the county surveyor's received stamp.
- H. The map shall include the location and width of streets and easements intercepting and adjoining the boundaries of the tract, the official name of any such streets, and all tracts, blocks, and lot or parcel boundary lines.
- I. Easements shall be clearly identified, and if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- J. The map shall show location of any property within the one hundred (100) year floodplain together with the method or source of such determination.
- K. The map shall show the length of all arcs, radii and central angles. Adjust all distances to the nearest hundredth of a foot except on curves, which may be shown closer. Adjust all bearing to the nearest ten seconds. The error of closure shall not be greater than that allowed in subdivisions as stated in ORS 92.
- L. The maps shall show the course of all lines traced or established giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner of donation land claim corner in township and range, or to a lot corner of a platted subdivision. Show all bearings or measured angles and distances separately indicated from those of record.

M. The map shall include all monuments (including width and length of those set) either on the map face or in a legend. Show the relationship of the found to the set monuments. Also show all stakes or other evidence found and used to establish boundaries of the partition. Any lines or boundaries shown by approximation shall be clearly identified as such.

N. Abbreviations not normally found on a recorded subdivision shall be defined on the map face by a legend.

O. Parcels shall be designated by letter, beginning with the letter "A" and lettered sequentially.

P. The area of each parcel shall be shown in either square feet or acres, or the metric equivalent.

Q. The following certificates shall be completed before filing with the county clerk and county surveyor; use dense black permanent ink, or equivalent, for signatures:

1. Signature of approval on the face of the map by the city recorder;
2. A certificate signed and acknowledged by all parties having any record ownership in the land at the time of recording, consenting to the preparation and recording of the map;
3. Dedication of easements for utilities and/or widening of streets shall be made on the face of the map. Statement of dedication by owner/authorized agent with signature attested to by notarization (can be combined with subsection (Q)(2) of this section)
4. Surveyor's certificate to be shown with seal and signature on the face of the map, attesting that the requirements of this section and ORS 209 have been met.

R. Filing of separate legal documents to achieve any of the above requirements, subsections A through Q of this section, may be permitted by the Planning Commission when it can be shown that placing such information on the final map is not required to achieve the purposes of the Development Code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described areas shall be marked with a colored ink (other than black), on the City copy. A description of, or reference to, any other restrictions attached to the minor land partition shall also be noted on the City copy.

S. All monuments shall be a minimum diameter of five-eighths inches for iron pins and a minimum inside diameter of one-half inches for iron pipes. For concrete monuments refer to ORS 92 as amended. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number.

T. Changes to a final map can be made by an affidavit to be filed with the county recorder. Such change must be approved by the county surveyor and also the City if the change relates to City requirements or approval criteria.

U. The affidavit document number and date shall be placed on the face of the map that is recorded.

(DC § 9.050)

[12.80.050 Lot line adjustment maps.](#)

A lot line adjustment may be processed without need for preliminary plan approval where the adjustment will not result in creating a nonconforming lot or nonconforming development, or increasing the degree of non-conformance. Lot line adjustment maps shall conform to the application provisions of Section 12.80.040.

(DC § 9.060)

[12.80.060 Approval signatures for final partition/lot line adjustment.](#)

Prior to recordation with the recording officer of Marion County, the applicant shall bring back to the city recorder the original and three copies of the completed survey and legal descriptions. If the completed work is in compliance with the conditions of the tentative approval, the city recorder will mark on the original and all copies his/her stamp of approval. The original shall be forwarded to the county surveyor for filing as a recorded survey; a signed copy shall be returned to the applicant and two signed copies shall be retained for the City's files.

(DC § 9.070)

[12.80.080 Tentative subdivision sketch.](#)

The applicant shall submit a sketch to the city recorder of a tentative scheme for the layout of the property to be subdivided. Following preliminary consultation, the applicant may proceed to prepare a preliminary plat for submission to the Planning Commission.

(DC § 9.110)

[12.80.090 Submission of preliminary plat.](#)

The applicant shall prepare a preliminary plat and other supplemental material as may be required to indicate the general program and objectives of the project, and shall submit ten (10) copies of the preliminary plat to the city recorder at least thirty (30) days prior to the Planning Commission meeting at which consideration of the plat is desired.

(Ord. 536 § 4 (part), 1993; DC § 9.120)

[12.80.100 Planning Commission action.](#)

The Planning Commission shall consider the proposed preliminary subdivision plat in a Type B procedure at a regular meeting (notification and hearing requirements must be met). The Planning Commission, when considering the request, may deny, approve, or approve with conditions. As in any action of the Planning Commission, findings and conclusions must be made supporting the decision.

(DC § 9.125)

[12.80.110 Information required on the preliminary plat.](#)

The preliminary plat shall include the following information:

- A. The date, scale, north point, legend, and controlling topography such as creeks, ditches, highways, and railroad rights-of-way;
- B. Legal description of the tract boundaries;
- C. Location of subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the county assessor;
- D. Names and addresses of owner(s), subdivider, and engineer or surveyor;
- E. Vicinity Map. If the detailed map does not show the following information, a vicinity map at a small scale (four hundred (400) feet to the inch) shall be prepared showing:
 1. All existing subdivision, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing major streets,

2. Name of the record owners of all contiguous land parcels,
3. How streets and alleys in the proposed subdivision may connect with existing proposed streets and alleys in neighboring subdivisions, or undeveloped property, to produce the most advantageous development of the entire neighborhood area;

F. Detailed Map. The preliminary plat shall be drawn at a scale of one inch equals fifty (50) feet or one inch equals one hundred (100) feet, or for areas over one hundred (100) acres, one inch equals two hundred (200) feet;

G. General Information. The following general information shall be shown on the preliminary plat:

1. Name of the subdivision; this name must not duplicate nor resemble the name of another subdivision in the same county and shall be approved by the Marion County clerk,
2. Date, north point, and scale of drawing;

H. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

1. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; and other important features, such as railroad rights-of-way, and City boundary lines,
2. The location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections,
3. Contour lines having the following minimum intervals:
 - a. One foot contour intervals for ground slopes less than five percent,
 - b. Two-foot contour intervals for ground slopes between five percent and ten (10) percent,
 - c. Five-foot contour intervals for ground slopes exceeding ten (10) percent,
 - d. The elevations of all control points which are used to determine the contours,
 - e. Contours shall be related to City of Jefferson datum,
4. Approximate location of areas subject to inundation or stormwater overflow with approximate high water elevation,
5. Location, width, direction and flow of all watercourses,
6. Location of properties within the one hundred (100) year floodplain and other areas subject to flooding or ponding (see Section 12.32.160),
7. Existing uses of the property and adjacent property within one hundred (100) feet including location of all existing structures to remain on the property,
8. Zoning adjacent to the tract;

I. Proposed Plan of Subdivision. The following shall be included on the preliminary plat:

1. Proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission,
2. Easements: Location on the site or abutting property, showing the width and purpose of all easements,
3. Lots: Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers,
4. Proposed land use; sites, if any, allocated for:
 - a. Multiple-family dwelling,
 - b. Shopping centers,

- c. Churches,
- d. Industry,
- e. Parks, schools, playgrounds, and
- f. Public or semipublic buildings;

J. Explanatory Information Required. The following additional information shall be submitted with the preliminary plat:

1. The names and addresses of all owners within three hundred (300) feet of the proposed subdivision,
2. Findings indicating compliance with applicable provisions of the Comprehensive Plan,
3. Total acreage in the subdivision and the percent of land dedicated to the public, not including easements,
4. All public improvements proposed to be installed and the approximate time installation is desired,
5. Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc.). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, state laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least thirty (30) days prior to approval of the final plat.

(DC § 9.130)

[12.80.120 Future street proposal required.](#)

A. Except as provided below, a future street proposal shall be filed in conjunction with an application for a subdivision or partition. The proposal shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division to include the other tracts within two hundred (200) feet surrounding and adjacent to the proposed land division.

B. A future street proposal shall not be required for any portion of the area for which a proposed street plan layout has been established by either the Comprehensive Plan or a future street proposal previously approved by the Planning Commission or where surrounding property is substantially developed.

C. The Planning Commission will have the authority to adopt a proposed street plan submitted by an applicant or can initiate a proposed street plan for an area for which there is not a proposal for a land division.

(DC § 9.135)

[12.80.130 Criteria for approving preliminary plat \(partition and subdivision\) and street plan.](#)

In approving a tentative land division plan or adopting a proposed street plan, the Planning Commission shall find the following:

A. Development of any remainder of property under the same ownership can be accomplished in accordance with the Development Code;

B. Adjoining land can be developed or is provided access that will allow its development in accordance with the Development Code;

C. The proposed street plan affords the best economic, safe and efficient circulation of traffic possible, under the circumstances;

D. Conditions necessary to satisfy the intent of the Development Code can be satisfied prior to final plat approval.

(DC § 9.140)

[12.80.140 Expiration of preliminary plat approval for partitions and subdivisions.](#)

A preliminary plat approval for a partition or a subdivision is valid for a period of eighteen (18) months from the effective date of approval, subject to extension as provided in Section 12.80.145. If the final plat has not been approved by the City and recorded with the county within the period of validity, the preliminary plat approval shall expire and a final plat may not be approved nor recorded without a new preliminary plat approval.

(Ord. 618 § 1, 2000; DC § 9.150)

[12.80.145 Extension of preliminary plat approval for partitions and subdivisions.](#)

An extension of preliminary plat approval for a partition or subdivision may be granted by the development official subject to the following provisions:

- A. The applicant must request the extension before the expiration date; however, the request may be processed and the extension granted retroactively after the expiration date.
- B. At the time of the request, the applicant must pay an extension fee established by resolution.
- C. One extension may be granted for nine months. No further extensions may be granted.
- D. Extensions may be granted only if there have been no changes to the proposed development and facts presented in the original application and no changes to the criteria that were used to evaluate the initial application. If there have been changes to the proposal, the facts or the criteria, a new application for preliminary plat approval must be submitted.
- E. The applicant must demonstrate and the development official must certify one of the following:
 1. That substantial progress has occurred by the time of the request and that completion is reasonably expected within the extension period; or
 2. That factors beyond the reasonable control of the applicant have prevented progress, and that those impediments are reasonably expected to be eliminated within the extension period.

(Ord. 618 § 2, 2000)

[12.80.150 Subdivision final plat requirements.](#)

The applicant shall submit one reproducible copy and three prints of the final plat to the City. Submittal of the final plat to the county surveyor and county recorder shall be according to applicable state and county requirements.

- A. Preparation. The final plat shall be submitted to the City in a form required by these regulations and state laws including ORS 92.050-120 for plats of record.
- B. Information Required. In addition to that specified by state law, the following information shall be shown on the final plat:
 1. The date, scale, north point, legend and controlling topography such as creeks, ditches, highways, and railroad rights-of-way;
 2. Legal description of the tract boundaries and the file number of the subdivision;
 3. Name and address of the owner(s), subdivider and surveyor;
 4. Reference points of existing surveys identified, related to the plat by distances and bearing and referenced to a

field book or map as follows:

- a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,
 - b. Adjoining corners of adjoining subdivisions,
 - c. Other monuments found or established in making the survey of subdivision or required to be installed by provisions of the Development Code;
5. Preliminary control points if such are established by the City; description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referenced;
 6. The location and width of streets and easements intercepting the boundaries;
 7. One hundred (100) year floodplain or high water line for any body of natural drainageway (see Section 12.32.160), together with the method or source of such determination;
 8. Lines with dimensions, bearings, or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot and boundaries and street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest one hundredth feet;
 9. The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the center line. For streets on a curvature, curve data shall be based on the street center line and, in addition to center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated;
 10. Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitely recorded, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified;
 11. Lot numbers beginning with the number "1" and continuing consecutively in each block in the subdivision;
 12. Block number beginning with the number "1" and continuing consecutively without omissions or duplication throughout a subdivision. The numbers shall be of sufficient size and thickness to stand out and so placed as not to obliterate and disfigure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;
 13. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrases shall be used when identifying open space dedications:
 - a. "Common open space" shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowners association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision,
 - b. "Public open space" shall be used when identifying those parcels of land dedicated to the City for open space purposes,
 - c. "Open space easement" shall be used to identify that portion of a lot or lots that have established an open space easement agreement with the City;
 14. The following certificates, which may be combined where appropriate:
 - a. A certificate signed by the city recorder certifying City approval,
 - b. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the

preparation and recording of the plat,

- c. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors and servants,
- d. A certificate signed by the surveyor responsible for the survey and final map, the signature accompanied by seal, attesting that applicable requirements of City, state and county requirements have been met,
- e. Other certifications required by laws;

15. Filing of separate legal documents to achieve any of the above requirements (subsections (B)(1)—(15) of this section) may be permitted by the Planning Commission when it can be shown that placing such information on the final map is not required to achieve the purposes of the Development Code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described area shall be marked with colored ink (other than black) on the City copy. A description of or reference to any other restrictions attached to the subdivision approval shall also be noted on the City copy;

16. Supplementary information:

- a. A copy of any deed restrictions,
- b. A copy of any dedication requiring separate documents,
- c. Legal documents conveying property to the City,
- d. Assurance satisfactory to the city engineer that improvements installed by the subdivider will be in conformance with the standards of the City and that streets and pedestrian ways will be improved,
- e. Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres,
- f. Title report or subdivision guarantee;

17. All monumentation shall comply with standards established for subdivisions as stated in ORS 92. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number. Unless waived by the city engineer, the intersection of all street center lines shall be monumented according to City specifications.

(DC § 9.160)

[12.80.165 Public improvements required for final plat approval for subdivisions.](#)

A. A final plat may be approved only when all of the required public improvements have been completed and accepted by the City. The performance security for public improvements for subdivisions shall be a developer agreement as specified in Section 9.16.060.C.3.

B. Exception. The city engineer may authorize the approval of a final plat before the completion of all public improvements if construction is substantially complete, the remaining items are relatively minor, and a sufficient financial security has been provided as specified in Section 9.16.060.C.1 or 2.

(Ord. 618 § 3, 2000)

[12.80.170 Submission and review of subdivision final plat or final map for approval signatures.](#)

A final plat shall be submitted to the city recorder and he/she shall determine whether the material conforms with the approved tentative plan or map and with the applicable requirements of the Development Code under the Type A procedure.

If the city recorder determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat or map is found to conform, the city recorder shall sign and date the plat and take the following additional actions, or advise the applicant to do the same:

- A. As required by ORS 92.100, obtain the approval signature thereon by the surveyor serving the City certifying that the subdivision plat complies with applicable survey laws. Before so certifying, the surveyor may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the surveyor;
- B. As required by ORS 92.110, obtain the approval signatures thereon of the board of directors, or board's delegate, of any irrigation district, drainage district, water control district or districts improvement company if the subdivision is within such district;
- C. Obtain the approval signatures thereon of the county board of commissioners;
- D. Obtain the approval signature thereon of the county assessor, certifying that all taxes on the property have been paid or bonded for, in accordance with state law;
- E. Deliver the approved subdivision plat and accompanying documents to the county recorder for recording;
- F. Deliver a signed mylar copy and four blueprints of the approved subdivision plat to the City.

(DC § 9.180)

[12.80.180 Effective date for final plat or plan approval for subdivisions.](#)

A. The approval process for a subdivision shall become final upon the recording of the approved subdivision plat, under ORS 92.120 (1), and the recording of the approved plat together with any required documents with the county recorder. Subdivision plats may not be recorded after the expiration of the period of validity specified in Section 12.80.140.

B. All subdivision lots platted prior to 1993 shall conform to the current development standards, including but not limited to permitted uses, minimum square footage for duplex and multifamily dwelling units, property line setbacks, open space, lot coverage, height limitations, and parking and utility requirements.

(Ord. 618 § 4, 2000: DC § 9.190)

[12.80.190 Lot and block arrangements.](#)

In any residential land division, lots and blocks shall conform to the following standards in addition to the provisions of Chapter 12.40:

A. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of the Development Code, with the exception of lots designated for open space use.

B. **Lot Dimensions.** The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum area designated by the district, the Planning Commission shall require that such lots be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve such potential lots.

C. **Double Frontage Lots and Access to Lots.** Double frontage lots shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status, or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterial is necessary for several adjoining lots,

the Planning Commission shall require that such lots, are served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials. An access control strip shall be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.

D. Side Yards. As far as practical the side property lines of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.

E. Blocks. Blocks shall not exceed one thousand two hundred (1,200) feet in length without street separation and shall not exceed eight hundred (800) feet without improved pedestrian way separation, except blocks adjacent to arterial streets, or unless previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between arterial street intersections is one thousand eight hundred (1,800) feet.

F. Cul-de-Sac Lots. In any residential district no more than five lots or units shall have access on a cul-de-sac bulb except that additional lots or units may be permitted where one additional off-street parking space is created for each unit which has access on a cul-de-sac bulb. The minimum frontage of a lot on a cul-de-sac shall be twenty-five (25) feet as measured perpendicular to the radius.

G. Flag Lots. Flag lots should be discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The minimum width for a flag lot is twenty-two (22) feet, except where point access is shared by an access and maintenance agreement, in which case each lot shall have a minimum width of twelve (12) feet and a combined minimum of twenty-four (24) feet.

H. Street Intersections. At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than twenty (20) foot radius of the curb line.

(DC § 9.200)

[Article II. Expedited Land Divisions](#)

[12.80.200 Definition.](#)

An expedited land division is an action of the City as defined in Section 12.04.080.

(DC § 9.310)

[12.80.210 Information submittal deadline.](#)

All information for processing applications shall be available ten (10) days prior to the Planning Commission meeting date scheduled to review this application.

(DC § 9.315)

[12.80.220 Exclusion.](#)

The decisions made under an expedited land division process are not land use or limited land use decisions and are not subject to the permit requirements of City enabling legislation. Decisions are not subject to the Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).

(DC § 9.320)

[12.80.230 Complete application.](#)

The city recorder and/or land use planning staff shall review an application and make a decision on its completeness within twenty-one (21) days of submittal. Upon determination of an incomplete application, the applicant has one hundred eighty (180) days to submit the missing information.

(DC § 9.330)

[12.80.240 Consistency with Development Code and criteria.](#)

An application to the City for an expedited land division shall describe the manner in which the proposed division complies with the definition (as stated in Section 12.04.080), meets the following criteria, and complies with the regulations as stated in Section 12.80.260:

- A. Is zoned for residential uses and is within an urban growth boundary, is solely for the purposes of residential uses, and is within an urban growth boundary;
- B. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic and historic areas and natural resources;
- C. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules; and
- D. Creates enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted by the zoning designation of the site.

(DC § 9.331)

[12.80.250 Procedures.](#)

When requested by an applicant for an expedited land division, in lieu of the partition procedure set forth in its Comprehensive Plan and Development Code, the City shall use the following procedures for an expedited land division under this article:

- A. If the application for an expedited land division is incomplete, the City shall notify the applicant of exactly what information is missing within twenty-one (21) days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
- B. If the application was complete when first submitted or the applicant submits the requested additional information within one hundred eighty (180) days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(DC § 9.332)

[12.80.260 Applicable regulations and scope of review.](#)

The provisions of this article shall apply to all elements of the City's Comprehensive Plan and Development Code applicable to land divisions and any procedures designed to regulate:

- A. The physical characteristics of permitted uses;

- B. The dimensions of the lots or parcels to be created; and
- C. Transportation, sewer, water, drainage, and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

(DC § 9.340)

[12.80.270 Notice of application.](#)

The City shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, City or county department, or special district responsible for providing public facilities and services to the development and to owners of property within one hundred (100) feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the hearings officer under state law, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the City Council and whose boundaries include the site.

(DC § 9.350)

[12.80.280 Notice contents.](#)

The notice under this article shall state:

- A. The deadlines for submitting written comments;
- B. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period;
- C. That issues must be raised with sufficient specificity to enable the City to respond to the issue;
- D. The applicable criteria for the decision;
- E. The street address or other easily understood geographical reference to the subject property;
- F. The place, date and time that comments are due;
- G. The time and place where copies of all evidence submitted by the applicant will be available for review;
- H. The name and telephone number of the City contact person; and
- I. A brief summarization of the local decision-making process for the expedited land division decision being made.

(DC § 9.351)

[12.80.290 Comments and initial decision making.](#)

A. After notice, the City shall:

1. Provide a fourteen (14) day period for submission of written comments prior to the decision;
2. Make a decision to approve or deny the application within sixty-three (63) days of receiving a completed application, based on whether it satisfies the substantive requirements of the City's Development Code. An approval may include conditions to ensure that the application meets the applicable regulations.

B. For applications subject to this section, the City shall:

1. Not hold a public hearing on the application;
2. Issue a written determination of compliance or noncompliance with applicable Development Code requirements

that includes a summary statement explaining the determination. The summary statement may in be any form reasonable intended to communicate the City's basis for determination; and

3. Provide notice of the decision to the applicant and to those who received notice under Section 12.80.270 within sixty-three (63) days of the date of the completed application.

C. The notice of the decision shall include:

1. A summary of the response to subsection (A)(2) of this section; and
2. An explanation of appeal rights as stated in Section 12.80.320.

(DC § 9.360)

[12.80.300 Extension of the initial decision deadline.](#)

After seven days' notice to the applicant, the Planning Commission may, at a regularly scheduled public meeting, extend the sixty-three (63) day time period to a date certain for one or more applications for an expedited land division prior to the expiration of the sixty-three (63) day period, based on a determination that an unexpected or extraordinary increase in applications makes action within sixty-three (63) days impractical. In no case shall an extension be to a date more than one hundred twenty (120) days after the application was deemed complete.

Upon approval of the extension, the provisions of the Development Code, including the right to file a writ of mandamus with the circuit court, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the sixty-three (63) day period wherever applicable.

(DC § 9.361)

[12.80.310 Nature of decision.](#)

The decision to approve or not approve an extension under Section 12.80.300 is not a land use decision or limited land use decision.

(DC § 9.370)

[12.80.320 Appeal.](#)

A. An appeal of a decision made under this article shall be:

1. Filed with the City within fourteen (14) days of the mailing of the notice of the decision; and
2. Filed with a three hundred dollar (\$300.00) deposit for costs.

B. A decision may be appealed by:

1. The applicant; or
2. Any person or organization who files written comments in the time period established under Section 12.80.290.

C. An appeal shall be based solely on allegations:

1. Of violation of the substantive provision of the applicable land use regulations;
2. Of unconstitutionality of the decision;
3. That the application is not eligible for review under this article and should be reviewed as a land use decision or limited land use decision; or
4. That the party's substantive rights have been substantially prejudiced by an error in procedure by the City.

(DC § 9.380)

12.80.330 Hearings officer.

A city-appointed hearings officer shall decide the appeal of a decision made under this article. The hearings officer shall not be an employee or official of the City.

(DC § 9.381)

12.80.340 Participation in appeal.

Within seven days of being appointed to decide the appeal, the hearings officer shall notify the applicant, the City, the appellant if other than the applicant, any person or organization entitled to notice under Section 12.80.270 that provided written comments to the City, and all providers of public facilities and services entitled to notice under this article, and advise them of the manner in which they may participate in the appeal.

A person or organization that provided written comments to the City but did not file an appeal under Section 12.80.320 may participate only with respect to the issues raised in written comments submitted by that person or organization.

The hearings officer may use any procedure for decision making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The hearings officer shall provide the City an opportunity to explain its decision but is not limited to reviewing the City's decision and may consider information not presented to the City.

(DC § 9.382)

12.80.350 Decision of the hearings officer.

A. The hearing officer shall apply substantive requirements of the City's Development Code. If the hearings officer determines the application does not qualify as an expedited land division, the hearings officer shall remand the application for consideration as a land use decision or limited land use decision to the City. In all other cases, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements.

B. The hearings officer may not reduce the density of the land division application.

C. The hearings officer shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations within forty-two (42) days of filing an appeal. The hearings officer may not remand the application to the City for any reason other than as set forth in this article.

(DC § 9.383)

12.80.360 Deadline for hearings officer.

Unless the Planning Commission of the City finds exigent circumstances, a hearings officer who fails to make a written decision within forty-two (42) days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

(DC § 9.384)

12.80.370 Allocation of costs.

Notwithstanding any other provision of law, the hearings officer shall order the City to refund the deposit for costs to an

appellant who materially improves his or her position from the decision of the City.

The hearings officer shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of five hundred dollars (\$500.00), including the deposit paid under Section 12.80.320, against an appellant who does not materially improve his or her position from the decision of the City.

The City shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the hearings officer and costs incurred by the City, but not the costs of other parties.

(DC § 9.385)

[12.80.380 Judicial review.](#)

Any party to a proceeding before a hearings officer under this article may seek judicial review of the hearings officer's decision in the manner provided under state statutes.

(DC § 9.390)

Jefferson Municipal Code

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Title 12 DEVELOPMENT CODE

Chapter 12.82 DRAINAGE AND GRADING PERMITS**12.82.010 Purpose.**

The intent of this chapter is to protect existing structures, development, and drainage patterns from negative effects of new development blocking or otherwise interfering with existing drainage patterns.

(Ord. 652 § 1 (part), 2004)

12.82.020 Drainage permit required.

- A. A Drainage Permit must be obtained prior to issuing any building permit for a new structure.
- B. A Drainage Permit must be obtained prior to installing any drainage pipe or constructing any drainage ditch that would discharge water outside the property on which the pipe or ditch is constructed.
- C. A Drainage Permit must be obtained prior to grading or paving (asphalt, concrete or any other impervious surface) that would change drainage patterns beyond the property on which the grading or paving occurs.
- D. If drainage work is included within a Public Improvement Construction Permit (as provided in Chapter 9.16 of the Jefferson Municipal Code), a separate Drainage Permit is not required.

(Ord. 652 § 1 (part), 2004)

12.82.030 Grading permit required.

The City of Jefferson hereby adopts the optional Appendix Chapter 33 of the 1997 Uniform Building Code as adopted by the State of Oregon. The requirement for a Grading Permit contained in Appendix Chapter 33 is separate from the requirement for a Drainage Permit contained in this chapter, and both permits may be required for a single project.

(Ord. 652 § 1 (part), 2004)

12.82.040 Violations.

- A. If drainage or grading work for which a permit is required is performed without a permit, then the work constitutes a violation of the Development Code and a public nuisance. The violation of the Development Code may be subject to enforcement action as provided in Chapter 12.10. The public nuisance may be abated as provided in Chapter 5.04.
- B. If drainage or grading work for which a permit was issued is performed not in compliance with the approved plans then the work constitutes a violation of the Development Code and a public nuisance. The violation of the Development Code may be subject to enforcement action as provided in Chapter 12.10. The public nuisance may be abated as provided in Chapter 5.04.

(Ord. 652 § 1 (part), 2004)

12.82.050 Plans review.

A. Applications for permits must be accompanied by a plan showing the following:

1. Existing elevations of key points and along property lines
2. Existing surface drainage patterns
3. Existing drainage facilities such as catch basins, inlets, pipes, manholes, ditches, swales and detention basins
4. Proposed elevation contours for the finish grade
5. Proposed elevations along all property edges
6. Proposed surface drainage patterns
7. Proposed drainage facilities including detailed information about sizes, elevations, slopes, materials, etc.
8. Copies of applications or issued permits for all permits required by other government agencies.

B. The City Engineer shall review the plan and the permit may not be issued until the City Engineer approves the plan.

C. The plan shall be reviewed for compliance with Chapter 12.56, the Public Works Design Standards, best management practices for stormwater drainage and sound engineering principles.

D. For residential subdivisions the grading and drainage plans for all lots shall be submitted with the application for the Public Improvement Construction Permit and reviewed in conjunction with the public improvements. Separate plans review will not be required for construction on each lot unless a new drainage or grading plan is proposed for an individual lot.

E. The City Council shall set a plans review fee by resolution.

(Ord. 652 § 1 (part), 2004)

[12.82.060 Disclaimer.](#)

Permits shall include a disclaimer stating that the City of Jefferson does not accept liability for any drainage-related problems occurring during construction or due to changes after a final inspection. Acceptance of a permit shall include acceptance of this disclaimer.

(Ord. 652 § 1 (part), 2004)

[12.82.070 Special conditions for existing drainage facilities.](#)

A. If the site contains existing drainage facilities the permit shall contain conditions to ensure that the existing facilities are protected from silt and erosion and that they continue to function during and following construction.

B. If the site contains an open-channel drainage within an easement, then the following conditions and procedures shall apply.

1. Prior to any work on the site erosion control fences shall be installed along the edge of the easement.
2. The fences shall remain in place during construction.
3. No grading, excavating, filling, piling dirt or earthwork may occur within the easement.
4. The fences may be removed only when the final grading inspection has been approved and vegetation is established.

(Ord. 652 § 1 (part), 2004)

[12.82.080 Expiration.](#)

A. Drainage Permits issued in conjunction with a building permit shall expire at the same time that the building permit expires.

B. Drainage Permits that are not in conjunction with a building permit shall expire six months after plans are approved. The City Engineer may extend the Drainage Permit for an additional six months only if there have been no changes to the proposed drainage plan, the existing conditions, or the criteria under which the plan was approved. If there have been changes to the proposal, the existing conditions or the criteria, a new application must be submitted.

(Ord. 652 § 1 (part), 2004)

[12.82.090 Final inspection.](#)

A. Upon completion of construction of drainage facilities and grading work the applicant shall submit as-built drawing with elevations. The City Engineer shall inspect the site to verify that the approved plans were followed, to verify as-built elevations, and to ensure that the site will not create drainage problems.

B. The City Council shall set a final inspection fee by resolution.

(Ord. 652 § 1 (part), 2004)

[12.82.100 Certificates of occupancy.](#)

A. The permanent certificate of occupancy may not be issued until the City Engineer has approved the final inspection.

B. A temporary certificate of occupancy may be issued if the City Engineer determines that the ground is too saturated to allow for proper grading and drainage work.

C. An applicant wishing to receive a temporary certificate of occupancy must provide a financial security as provided in Section 12.08.050. The City Council may by resolution establish a minimum value of such financial guarantee.

D. The financial security will be returned to the applicant when the applicant completes the work and the City Engineer approves the final inspection.

E. If the applicant fails to satisfactorily complete the work when ground conditions have improved, the City may use the financial guarantee to complete the work as specified in Section 12.08.060

(Ord. 652 § 1 (part), 2004)

Jefferson Municipal Code[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 12 DEVELOPMENT CODE](#)**Chapter 12.84 CONDITIONAL USE PERMITS****12.84.010 Description and purpose.**

Uses requiring a conditional use permit may be permitted, enlarged, or altered in accordance with the provisions of this chapter. In addition, where a use is not authorized or where ambiguity exists concerning the appropriate classification of a particular use or type of development within the intent of the Development Code, said use or type of development may be established by a conditional use permit in accordance with this chapter.

The purpose of conditional use permits is to allow determination of the appropriateness and compatibility of certain uses proposed to be located in areas not specifically designated for such uses and which may only be suitable for location in such areas with application of special conditions as allowed by this chapter.

(Ord. 642 § 23, 2003; DC § 15.010)

12.84.020 Procedure.

An application for a conditional use permit shall be processed as a Type B procedure and shall be made by the owner of the subject property or authorized agent on a form prescribed by the City, and shall be accompanied by the prescribed fee and evidence demonstrating compliance with the criteria noted below.

(DC § 15.020)

12.84.030 Applications.

The applications for a conditional use permit shall be made in writing to the City by the owner of the land in consideration or by his or her agent on forms provided by the City. The application shall be accompanied by the following information:

- A. Site and preliminary building plans and elevations;
- B. Existing conditions on the site and within three hundred (300) feet of the site;
- C. Utility and access data;
- D. Operational data;
- E. Names and addresses of property owners within three hundred (300) feet of the site;
- F. All other information requested by the Planning Commission.

(DC § 15.030)

12.84.040 Criteria.

A. A conditional use permit shall be granted if the Planning Commission finds that the proposal conforms with the following general criteria:

1. The proposal is in conformance with the Comprehensive Plan;

2. The location, size, design and operating characteristics of the proposed development area are such that the development will be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood;
3. In determining the above, consideration shall be given to the following:
 - a. Harmony in scale, bulk, coverage and density;
 - b. The availability and capacity of public facilities and utilities;
 - c. The generation of traffic and the capacity of surrounding streets;
 - d. Public safety and protection;
 - e. Architectural and aesthetic compatibility with the surrounding area.

B. Additional criteria that are required if the permit is for a residential care facility:

1. The residential care facility must retain a residential architectural style.
2. The minimum lot size for such a residential care facility is ten thousand (10,000) square feet.
3. A minimum of two parking spaces, plus one additional space for each four persons for which care is to be given, shall be provided. Such parking shall not be allowed within the required setback area except in the instance of an existing driveway. In such case not more than two of the required spaces may be provided within such driveway.
4. A fenced outdoor area of a minimum of one thousand (1,000) square feet shall be provided.
5. Sidewalks along the frontage of the subject property shall be provided to City standards.
6. Exterior signage shall be permitted as per Section 12.68.030.

(Ord. 643 § 58, 2004; DC § 15.035)

[12.84.050 Conditions.](#)

The Planning Commission may designate conditions in connection with the conditional use permit as it deems necessary to secure the purpose of this chapter and may require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses;
- B. Special yards, spaces;
- C. Fences and walls;
- D. Street dedications and improvement petition (or bonds);
- E. Regulation of points of vehicular ingress and egress;
- F. Regulation of signs;
- G. Regulation of building textures, colors, architectural features and height;
- H. Landscaping, screening and buffering where necessary to increase compatibility with adjoining uses;
- I. Regulation of noise, vibration, odors or other similar nuisances;
- J. Regulation of hours for certain activities;
- K. Time period within which the proposed use shall be developed;
- L. Duration of use;
- M. Preservation of natural vegetative growth and open space;

N. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes of this chapter and the Comprehensive Plan.

(DC § 15.040)

[12.84.060 Criteria and conditions specific to wireless communication facilities.](#)

A. Review of a wireless communications facility conditional use permit shall consider the design, setback, and visual buffering of the associated shelter or enclosed facility. Towers and/or antenna facilities shall be disguised whenever possible, such as the use of existing billboards, church steeples and trees.

B. It is the legislative policy of the City of Jefferson to restrict and minimize the number of towers necessary to serve the community of Jefferson.

C. Sharing of tower facilities by more than one service provider shall be required, unless the applicant demonstrates that sharing of these facilities is not technically feasible. An application for a new tower must contain a scientific study demonstrating that the towers previously authorized are inadequate to serve the community of Jefferson. The design of all towers must be such as to accommodate multiple co-locators to serve the reasonably anticipated users of wireless communication facilities. The renewal of conditional uses shall be subject to a finding that the applicant has even-handedly administered co-location requests from all vendors of wireless communication services.

D. A conditional use permit issued for a wireless communications facility shall be valid for a period not to exceed five years. A conditional use permit may be renewed by the applicant for additional five year increments, for a total of twenty-five (25) years. The sole review criteria for renewal shall be whether the facility and the applicant shall have fully complied with all conditions and requirements of the original installation.

E. Wireless communications facilities are prohibited in all residential zones, and within three hundred fifty (350) feet of any residential zone. Any existing facilities at the time of annexation or rezoning must be phased out (amortized) over a period of five years from the date of the annexation or rezoning.

F. If a wireless communication facility is not used for a period of one year, the conditional use permit shall automatically expire at the end of the one-year period.

G. If a conditional use permit for a wireless communication facility expires or is revoked for any reason, the facility shall be dismantled within ninety (90) days of the expiration or revocation.

H. The applicant shall keep timely records of the use and maintenance of the site during the life of the permit.

(Ord. 627 § 3, 2001)

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Title 12 DEVELOPMENT CODE								

Chapter 12.88 SITE PLAN REVIEW

12.88.010 Description and purpose.

The site plan review process is intended to:

- A. Guide future growth and development in accordance with the Comprehensive Plan and other related ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment;
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses;
- E. The site development review provisions are not intended to preclude uses that are permitted in the underlying zones.

(Ord. 642 § 24, 2003; Ord. 582 § 5 (part), 1998: DC § 16.010)

12.88.020 Procedure.

An application for a site plan review shall be processed as a Type A procedure and shall be made by the owner of the subject property or authorized agent on a form prescribed by the City, and shall be accompanied by the prescribed fee and evidence demonstrating compliance with the criteria noted below.

(Ord. 582 § 5 (part), 1998: DC § 16.020)

12.88.030 Applicability of provisions.

A. Site plan review shall be applicable to:

- 1. New buildings intended for uses listed as permitted uses, Sections 12.12.040, 12.12.050, and 12.30.030;
- 2. Expansion of a building (other than a single-family dwelling or duplex) by more than four hundred (400) square-feet or greater than twenty-five (25) percent of the existing area.

B. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections of the Development Code.

(Ord. 642 § 25, 2003; Ord. 582 § 5 (part), 1998: DC § 16.030)

12.88.040 Applications and submittal requirements.

The following information shall be submitted as part of a complete application for site plan review:

- A. A completed application form;
- B. Names and addresses of all property owners within one hundred (100) feet of the subject property as reflected by the latest county assessor's records;

- C. One set of conceptual drawings, including floor plans and building elevations;
 - D. A conceptual landscape plan (two copies) showing the type and location of proposed landscaping and screening;
 - E. A site plan (ten (10) copies) showing the following:
 - 1. Scale of drawing, and north arrow,
 - 2. Assessor's map and tax lot number and lot and block description or other legal description,
 - 3. Lot dimensions and total lot area,
 - 4. Location of all existing and proposed structures, including minimum distances from structures to lot lines,
 - 5. Percentage of the lot covered by all structures,
 - 6. Adjacent zoning designations and adjacent land uses including approximate location of buildings,
 - 7. Rights-of-way of abutting streets, whether public or private, and proposed driveways,
 - 8. Locations and dimensions of all easements and nature of easements,
 - 9. Natural drainage patterns,
 - 10. Location and dimensions of delivery and loading areas,
 - 11. Location and dimensions of parking and circulation areas,
 - 12. Location and dimensions of trash disposal areas,
 - 13. Location of proposed signs;
 - F. Parcel map: Using a county assessor's map, show the area proposed for the site and property owners within one hundred (100) feet of the site.
- (Ord. 582 § 5 (part), 1998: DC § 16.040)

[12.88.050 Criteria.](#)

The review of a site development plan shall be based upon consideration of the following: Conformance with the general development standards contained in the Development Code including:

- A. Streets;
- B. Off-street parking;
- C. Public facilities, including storm drainage, and utility lines and facilities;
- D. Signs;
- E. Site and landscaping design;
- F. Characteristics of adjoining and surrounding uses;
- G. Drainage and erosion control needs;
- H. Public health and safety;
- I. Traffic safety, internal circulation and parking;
- J. Provision for adequate noise and/or visual buffering from noncompatible uses;
- K. Retention of existing natural features on site;
- L. Problems that may arise due to development within potential hazard areas; and
- M. Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.

(Ord. 582 § 5 (part), 1998: DC § 16.050)

12.88.060 Expiration of approval.

- A. Site plan review approval shall be effective for a period of one year from the date of approval if substantial construction of the approved plan has not begun within the one- year period.
- B. Site plan review approval shall be voided immediately if construction on the site is a departure from the approved plan.
- C. The city recorder shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:
 - 1. No changes are made to the approved site plan review;
 - 2. The applicant can show intent to initiate construction on the site within the six-month extension period; and
 - 3. There have been no changes in the facts or applicable policies or ordinance provisions on which the original approval was based.

(Ord. 582 § 5 (part), 1998; DC § 16.060)

Jefferson Municipal Code[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 12 DEVELOPMENT CODE](#)**Chapter 12.92 NONCONFORMING LOTS, STRUCTURES AND USES**[12.92.010 Purpose.](#)

There exist lots, structures, and uses of structures and land which were lawful before the Development Code was passed, or under the terms of the Development Code. It is the intent of the Development Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(DC § 13.010)

[12.92.020 Nonconforming lots of record.](#)

A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary buildings may be erected, notwithstanding limitations imposed by other provisions of the Development Code for any single lot of record at the effective date of adoption or amendment of the Development Code. Such lot must be in separate ownership. A single-family dwelling and customary accessory buildings may be erected, even though such lot fails to meet the requirements not involving area or width or both, and shall conform to the regulation for the district in which such lot is located unless a variance to yard requirements is granted in accordance with the procedures of Chapter 12.96.

B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of the Development Code, and if all or part of the lots do not meet the requirements for width and area as established by the Development Code, no portion of the said parcel shall be used or sold which does not meet lot width and area requirements established by the Development Code, nor shall any division of the parcel be made which leaves remaining any lot width or areas below the requirements stated in the Development Code.

(DC § 13.020)

[12.92.030 Partially destroyed nonconforming buildings or structures.](#)

A. If any nonconforming building or structure in any district established by the Development Code is removed or destroyed voluntarily, every building, structure or use occupying the premises thereafter shall conform to the regulations of the district in which it is located.

B. Whenever, in any district, a nonconforming building or structure is damaged or destroyed by means in excess of sixty (60) percent of the replacement value of the building or structure, repairs or reconstruction shall be made to conform to all regulations, including use regulations, of the district in which it is located, except for residential uses.

C. Whenever, in any district, an owner-occupied residence is damaged or destroyed by any means, the owner may repair or replace the structure, provided it remains as a residence of the owner occupant. All repairs or reconstruction may comply with existing building codes and regulations. If the owner occupant determines not to rebuild or repair, but to sell the property in question, then all new buildings or structures must conform with all regulations, including use regulations, of the district in which it is located.

D. In the event such damage or destruction by any means is sixty (60) percent or less of the replacement value of the building or structure, only the building structure or use which existed at the time of such partial destruction may be restored and continued; provided, however, such restoration is started within a period of six months from the date of such damage or destruction and is diligently prosecuted to completion. The Planning Commission, upon a written request of the applicant, may extend the period six months, but not in excess of eighteen (18) months from the date of the damage or destruction.

(DC § 13.030)

[12.92.040 Nonconforming use of land.](#)

A. Use Discontinuance. Where no main buildings are used in connection with the nonconforming use of land, or where the only buildings are accessory or incidental to such use, the nonconforming use of such land shall be discontinued not later than one year after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the district in which it is located. The Planning Commission shall inform both the owner and occupant by letter of the date at which such nonconformity begins and ends. Such beginning date shall not be earlier than the postmark of the letter.

B. Expansion. A nonconforming use of land shall not be expanded or extended in any way either on the same or any adjoining land.

C. Discontinuance or Change. The discontinuance of a nonconforming use or land for six months out of any twelve (12) consecutive months of a change of nonconforming use constitutes abandonment and termination of the nonconforming use, and thereafter the use of the land must conform to the regulations of the district in which it is located.

(DC § 13.040)

[12.92.050 Nonconforming uses.](#)

If a use of a building, structure or land exists at the effective date of adoption or amendment of the Development Code and such a use is not allowed in the district under the terms of the Development Code, the use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No existing building or structure devoted to a use not permitted by the Development Code, in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any part of a building which was arranged and designed for such use at the time of adoption or amendment of the Development Code, but no use shall be extended to occupy any land outside such building.

C. Any nonconforming use may not be changed to another nonconforming use.

D. Any buildings, structure or land use in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use is discontinued or abandoned for six consecutive months or for eighteen (18) months during any three-year period, the building, structure or land shall thereafter only be used in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status applies to a building or structure, removal or destruction of the building or structure shall eliminate the nonconforming status of the land.

(DC § 13.050)

[12.92.060 Removal of nonconforming uses.](#)

If the Planning Commission determines that the continuance of a nonconforming use is detrimental to the health, safety or welfare of the neighborhood, such a nonconforming use shall be completely removed or converted to a conforming use within the time prescribed by the City Council. The Planning Commission shall conduct public hearings on said nonconforming use and set forth an amortization period for its continuance of not less than five years, and no more than forty (40) years, depending on the impact of said use of the neighborhood. The City Council shall approve or deny the amortization period. The Planning Commission shall then grant a conditional use permit subject to the procedures set forth in Chapter 12.84.

(DC § 13.060)

[12.92.070 Repair and maintenance.](#)

A. Nothing in the Development Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe, but in no event shall such repair or maintenance prolong the time within which the nonconforming use thereof must terminate.

B. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the replacement value of the building or structure, provided that the cubic content of the building or structure is not increased from the size which existed at the date the Development Code was passed or amended.

(DC § 13.070)

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12.96.010 Purpose.

The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objective of the Development Code. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity.

(DC § 14.010)

12.96.020 Limitations.

A variance shall not be granted as a substitute for, or in lieu of, a change in zone. The power to grant variances does not extend to use regulations. The Planning Commission may grant a variance to a regulation prescribed by the Development Code with respect to the following:

- A. Fences, hedges or walls;
- B. Site area, width, frontage, depth or coverage;
- C. Front, side or rear yards;
- D. Height of structures;
- E. Distance between structures;
- F. Signs;
- G. Parking.

(DC § 14.020)

12.96.030 Procedure.

Variance requests shall be processed as a Type B procedure, as indicated in Chapter 12.72. Application for a variance shall be made by the owner of the subject property or authorized agent on a form prescribed by the City and shall be accompanied by the prescribed fee and evidence demonstrating compliance with the criteria noted in Section 12.96.040 of this chapter.

(DC § 14.030)

12.96.040 Criteria.

The Planning Commission may grant a variance to a regulation prescribed by the Development Code if on the basis of petition, investigation and evidence submitted, the Planning Commission finds that all of the following conditions exist:

- A. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code;

- B. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- C. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district;
- D. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district;
- E. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

(DC § 14.040)

[12.96.050 Period of validity.](#)

An applicant is allowed a maximum of six months to take action on the variance granted by the Planning Commission. In the event such permitted use is dependent upon the erection or alterations of a building, the building permit for said erection or alteration must be obtained within such six-month period. However, the Planning Commission, upon written request of the applicant, may extend the period an additional six months, but not in excess of eighteen (18) months, from the date the first order granting the variance was given.

(DC § 14.050)

