

DRAFT Revised May 22, 2003

Ordinance No. 327

**ZONING ORDINANCE
CITY OF DUFUR
WASCO COUNTY, OREGON**

PREPARED FOR
**DUFUR CITY PLANNING COMMISSION
AND CITY COUNCIL**

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WORKING DRAFT

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Ordinance No. 327

DUFUR ZONING ORDINANCE

AN ORDINANCE ESTABLISHING LAND USE ZONES TO REGULATE THE USE OF THE LAND, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE LAND USE PLAN, AND REPEALING ORDINANCE NO. 228 AND ALL SUBSEQUENT AMENDMENTS.

The City of Dufur, Wasco County, Oregon, ordains as follows:

Article 1
Introductory Provisions

SECTION 1.1 - TITLE. This ordinance shall be known as the City of Dufur Zoning Ordinance.

SECTION 1.2 - PURPOSE.

- (1) To implement the Dufur Comprehensive Plan as adopted by the Dufur City Council.
- (2) To comply with ORS Chapter 195, 197 and 227.
- (3) To promote the public health, safety and welfare of the citizens of the City of Dufur.
- (4) To repeal and replace Ordinance No. 228, and all amendments thereto.

SECTION 1.3 - DEFINITIONS. As used in this ordinance, the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

- (1) ACCESS. The way or means by which pedestrians and vehicles enter and leave property which is commonly open to use by the public.

- (2) ACCESSORY USE OR ACCESSORY STRUCTURE. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (3) ALLEY. A street which affords only a secondary means of access to the property.
- (4) AUTOMOBILE WRECKING YARD. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.
- (5) APARTMENT. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
- (6) BED AND BREAKFAST. An establishment in a residential district that contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen (15) days.
- (7) BOARDING HOUSE, LODGING, OR ROOMING HOUSE. A building where lodging with or without meals is provided for compensation, for over five (5) guests to a maximum of twelve (12) guests.
- (8) BUILDING. A structure or mobile home unit built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- (9) CARPORT. A stationary, roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.
- (10) CHURCH. A building or edifice used primarily for religious worship.
- (11) CITY. City of Dufur.
- (12) CITY COUNCIL. Dufur City Council
- (13) CONTIGUOUS LAND. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two parcels under single ownership.
- (14) DRIVEWAY APRON. A paved or concrete connection from the public street to the property line and/or driveway of a dwelling unit. Minimum width is 12 feet and the maximum is 24 feet. A driveway apron shall be constructed of

either 2-1/2" of asphaltic concrete or 4" of concrete over 6" of 1-1/2" minus aggregate base and 2" of 3/4" minus aggregate leveling course.

- (15) DUPLEX. A building containing two dwelling units, each dwelling unit is designed for occupancy by a single-family.
- (16) DWELLING, SINGLE-FAMILY. Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes meeting the requirements of Section 4.7.
- (17) FAMILY. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Family shall include two or more persons with a handicap as defined in the Fair Housing Amendments Act of 1988, 42 USC § 3601 and following, living as a single housekeeping unit.
- (18) FOURPLEX. A building containing four dwelling units; each dwelling unit is designed for occupancy by a single-family.
- (19) HOME OCCUPATION. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, or lawful accessory building, provided:
 - (A) There is no more than one additional person employed other than the resident of the dwelling.
 - (B) The use (home occupation) does not change the character of the dwelling.
 - (C) The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
 - (D) There is no commercial delivery or pickup of products at the dwelling.
- (20) INDUSTRIAL. The making of commodities by manufacturing, assembling, fabrication, or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof;

- (A) *Light Industrial*—is defined as those activities listed above which occur totally within an enclosed structure. There is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.
 - (B) *Heavy Industrial*—is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading and unloading, stockpiling, etc. for which there is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.
- (21) LOT. A parcel or tract of land.
 - (22) LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines.
 - (23) LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line.
 - (24) LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.
 - (25) LOT LINE, REAR. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot or parcel, a line 10 feet in length within the lot or parcel parallel to and at a maximum distance from the front lot line. In the above instance, and if the front line is curved and a determination of the parallel relationship to the front lot line is being made, a straight line connecting the two end points of the front lot line shall be used. In the case of a corner lot or parcel, either interior lot line may be the rear lot line, regardless of the placement of the front door.
 - (26) LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.

 - (27) MANUFACTURED DWELLING.
 - (A) *Residential Trailer*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.

- (B) *Mobile Home*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon Mobile Home law in effect at the time of construction.
- (C) *Manufactured Home*—a dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.
1. For any purpose other than that set forth in subparagraph 2 of this paragraph, "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; or
 2. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
 3. "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
- (28) MOBILE HOME PARK. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.
- (29) MULTIPLE FAMILY DWELLING. Dwelling designed or intended for the residence of three or more families.
- (30) NON-CONFORMING STRUCTURE OR USE. A lawfully existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (31) OWNER. A person, his authorized agent or representative having legal authority to use, transfer or lease land.

- (32) PARKING PLACE. A rectangular area approximately 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles. See Section 4.12 for specific requirements.
- (33) PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (34) PLANNING COMMISSION. City of Dufur Planning Commission.
- (35) PLOT PLAN. A drawing indicating the location of existing and proposed structures on a lot or parcel, together with other site information as required.
- (36) RECREATIONAL VEHICLE. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer.
- (37) RECREATIONAL VEHICLE PARK. Any area designed to establish, operate, manage, or maintain the same for picnicking or overnight recreational vehicle or tent camping by the general public. This includes areas open to use free of charge or through a payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership. This further includes but not limited to those areas divided into two or more lots, parcels, units, or other interests for the purposes of such use. Such recreational vehicle parks as defined are not intended for residential occupancy. The maximum stay shall be limited to 180 consecutive days. The facility shall be licensed by the State of Oregon.
- (38) RESIDENTIAL USE. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
- (39) RESIDENTIAL FACILITY. A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department, as defined in ORS 443.400 under ORS 443.400 to ORS 443.460, or licensed by the State of Oregon Division under ORS 418.205 to ORS 418.327 which provides residential care alone or in conjunction with treatment or training, or the combination thereof, for six to fifteen individuals who need not be related. Staff persons required to meet the licensing requirement shall

not be counted in the number of facility residences and need not be related to each other or to any resident of the residential facility.

- (40) RESIDENTIAL HOME. A residential treatment or training or adult foster home licensed by or under the authority of the Department as defined ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to ORS 443.500, or an adult foster home licensed under ORS 443.705 to 443.825, which provides residential care alone or in conjunction with treatment or training, or a combination thereof, of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any residents of the residential home.
- (41) SIGN. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
- (42) STREET. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
- (43) STRUCTURE. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (44) TRACT OR AREA. The area within a measurable boundary of land or contiguous parcels of land.
- (45) TRIPLEX. A building containing three dwelling units, each dwelling unit is designed for occupancy by a single family.
- (46) USE. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (47) YARD. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (48) YARD, FRONT (Setback). A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the

nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.

- (49) YARD, REAR (Setback). Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (50) YARD, SIDE (Setback). The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

Article 2
Basic Provisions

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS.

- (1) The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.
- (2) A building permit is required for all structures containing more than 120 square feet. In order to obtain the City approval of a building permit for a single-family or duplex dwelling unit and/or accessory structures, a plot plan shall be prepared and presented, along with the building permit application, to the City Recorder. The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway locations, driveway aprons, and off-street parking area; water and sewer locations; and sidewalk locations. All other proposed uses are required to prepare and submit a site plan. Sample plot plans/site plans are available at City Hall.
- (3) **Public improvements, including sidewalks, shall be required with the issuance of a building permit for single or multiple family dwellings, commercial, and industrial uses.**

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONES. This ordinance hereby establishes the following land use zones for the City.

ZONE	ABBREVIATED DESIGNATIONS
Residential 10,000 square feet minimum lot area	R-1
Residential 10,000 square feet minimum lot area	R-2
Open Space/Public Facilities	OS
Commercial	C-1
Industrial	M-1
Agricultural	A-1

SECTION 2.3 - LOCATION OF ZONES. The boundaries of the zones listed in this ordinance are indicated on the Dufur Zoning Map, which is attached to this ordinance.

SECTION 2.4 - ZONING MAP. The Zoning Map of the City of Dufur is enclosed in this ordinance as Appendix I and incorporated herein. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES. Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

Article 3
Land Use Zones

SECTION 3.1 - RESIDENTIAL ZONE "R-1".

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-1" Residential Zone shall comply with the following regulations:

(1) PERMITTED USES.

- (A) Single-family dwellings, including manufactured homes meeting the requirements of Section 4.8. (**Doublewide units**)
- (B) Public parks, public recreation areas and publicly owned community or neighborhood centers.
- (C) Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas or less than 10 feet from the main building. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
- (D) Name plates and signs. One non-illuminated name plate not to exceed 4 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 24 square feet in area for each church, public library, neighborhood or community center. See Section 4.11.
- (E) Residential homes.

(2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Section 5.1.

- (A) Churches
- (B) Public buildings, schools and libraries
- (C) Home occupation

- (D) Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the Planning Commission.
 - (E) Bed and Breakfast facilities meeting the provisions of Section 4.8
 - (F) Certain commercial uses meeting the criteria of Section 4.9
- (3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.
- (4) AREA.
- (A) Front Yard, Setback. There shall be a front yard of not less than 20 feet in depth.
 - (B) Side Yard, Setback. On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet. On corner lots the interior side yards shall have a width of not less than 5 feet but the side yard on the street side of such corner lot shall not be less than 10 feet in width.
 - (C) Rear Yard, Setback. There shall be a rear yard of not less than 10 feet in depth.
 - (D) Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 10,000 square feet for each single-family dwelling.
- (5) PARKING REGULATIONS.
- (A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit. A driveway apron, as defined shall be provided.
 - (B) Uses other than Dwellings. See Supplemental Provisions Section 4.12
- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system or at such time as the city sewer system becomes available to the property on which the dwelling is located

SECTION 3.2 - RESIDENTIAL ZONE "R-2".

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-2" Residential Zone shall comply with the following regulations.

(1) PERMITTED USES.

- (A) Single-family dwellings, including manufactured homes meeting the requirements of Section 4.8. **(Single and doublewide units)**
- (B) Public parks, public recreation areas and publicly owned community or neighborhood centers
- (C) Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas or less than 10 feet from the main building. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
- (D) Name plates and signs. One non-illuminated name plate, not to exceed 4 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed 8 square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board, not to exceed 24 square feet in area for each church, public library, neighborhood or community center. See Section 4.11.
- (E) Duplexes
- (F) Residential homes.

(2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Section 5.1.

- (A) Churches
- (B) Public buildings, schools and libraries
- (C) Lodge for civic or fraternal organization carrying on no commercial activity
- (D) Home occupation
- (E) Triplexes and fourplexes

- (F) Necessary public utilities and public services with safeguards against non-compatibility to adjacent or abutting residential property as required by the Planning Commission.
 - (G) Mobile home parks
 - (H) Bed and Breakfast facilities meeting the provisions of Section 4.8
 - (I) Boarding house
 - (J) Residential facilities
 - (K) Certain commercial uses meeting the criteria of Section 4.9
- (3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.
- (4) AREA.
- (A) Front Yard, Setback. There shall be a front yard of not less than 20 feet in depth.
 - (B) Side Yard, Setback. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet. A corner lot shall have 10 feet of side yard setback.
 - (C) Rear Yard, Setback. There shall be a rear yard of not less than **10** feet in depth.
 - (D) Lot Area. Every lot shall have a minimum average width of not less than 70 feet and an area of not less than 10,000 square feet.

Duplexes	12,500 square feet
Triplexes	15,000 square feet
Fourplexes	20,000 square feet

(5) PARKING REGULATIONS.

- (A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit. A driveway apron, as defined shall be provided.

- (B) Uses other than Dwellings. See Supplemental Provisions Section 4.12.
- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system, or at such time as the city sewer system becomes available to that property on which the dwelling is located.

SECTION 3.3 - OPEN SPACE/PUBLIC FACILITIES "OS".

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "OS" Open Space zone shall comply with the following regulations.

- (1) PERMITTED USES. Subject to site plan review. See Section 4.13.
 - (A) Parks
 - (B) Recreation areas
 - (C) Community centers, including facilities for senior citizens
 - (D) Public schools and school facilities
- (2) CONDITIONAL USES.
 - (A) Public utilities
 - (B) Public services
 - (C) Unmanned pumping stations

SECTION 3.4 - COMMERCIAL ZONE "C-1".

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "C-1" Commercial Zone shall comply with the following regulations.

- (1) PERMITTED USES. Subject to site plan review. See Section 4.13.
 - (A) Retail trade establishments in which the operation takes place solely within an enclosed building.
 - (B) Business, governmental or professional offices

- (C) Financial institution
 - (D) Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shops
 - (E) Public park, public recreation areas and community centers
- (2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Article 5 of this ordinance.
- (A) Churches
 - (B) Family oriented craft industries which prepare or manufacture and sell the product on the premises.
 - (C) Retail trade establishments at which some business activities take place outside an enclosed structures, i.e., a gasoline service station or drive-in restaurant or automobile sales lot.
 - (D) Commercial amusement
 - (E) Single-family dwelling unit or duplexes or apartments on second floor of structure above existing commercial uses on ground floor.
 - (F) Recreational vehicle park
 - (G) Lodge for civic or fraternal organization
- (3) HEIGHT. Buildings, structures, or portions thereto, shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
- (4) SETBACK REQUIREMENTS. In the Commercial zone, setbacks shall be as follows.
- (A) No front or side yard setback is required.
 - (B) No buildings shall be constructed or located closer than 5 feet from the rear lot line.
- (5) AREA REQUIREMENTS. The minimum lot size on all commercial lots shall be 5,000 square feet. Existing commercial lots at the time this ordinance is adopted are exempt from this requirement.

(6) PARKING REGULATIONS.

(A) Off-Street Parking. See Supplemental Provisions Section 4.12.

(B) Parking Area Approval. Land used for commercial parking areas in this zone shall be developed in accordance with a plan approved in writing by the Planning Commission. The area must be surfaced with asphaltic concrete, or other type of surfacing approved by the Planning Commission and all parking spaces shall be individually marked.

(7) CHEMICAL STORAGE. Ammonium nitrate compounds and toxic chemicals may not be stored in the Commercial Zone.

SECTION 3.5 - INDUSTRIAL "M-1".

(1) PERMITTED USES. Subject to site plan review. See Section 4.13.

(A) Light industrial uses as defined, which take place wholly within an enclosed building.

(B) Mini-storage facilities including onsite caretaker quarters.

(2) CONDITIONAL USES.

(A) Heavy industrial uses, as defined, which take place outside an enclosed building.

(B) Agricultural support services including produce storage facilities.

(3) PROHIBITED USES. Aggregate resource extraction and processing sites. Chemical storage as outlined above in Section 3.4(7).

(4) HEIGHT. Buildings, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.

(5) SETBACK REQUIREMENTS. In the Industrial zone, building setbacks are not required, providing fire codes are met.

(6) PARKING REGULATIONS.

(A) Off-street Parking. See Supplemental Provisions Section 4.12.

SECTION 3.6 – AGRICULTURAL ZONE “A-1”.

The purpose of the Agricultural Zone is to accommodate existing land uses and preserve land in large tracts until the land is needed for urban development.

- (1) **PERMITTED USES.** The following uses are permitted outright.
 - (A) Farm dwellings, as defined by Oregon Revised Statutes
 - (B) Public utilities
 - (C) Public services
- (2) **CONDITIONAL USES.**
 - (A) Non-farm dwelling
 - (B) Public parks and recreational uses
- (3) **PROHIBITED USES.**
 - (A) Commercial feedlot for domestic livestock of types customarily kept on farms for profit or other purposes.
- (4) **HEIGHT.** Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
- (5) **SETBACK AND AREA REQUIREMENTS.**
 - (A) **Front Yard, Setback.** There shall be a front yard of not less than 50 feet in depth.
 - (B) **Side Yard, Setback.** There shall be a side yard on each side of the main building and each side yard will have a width of not less than 20 feet. A corner will have 10 feet of side yard setback.
 - (C) **Rear Yard, Setback.** There shall be a rear yard setback of not less than 20 feet.
 - (D) **Lot Area.** Every lot or parcel shall have a minimum lot size of not less than 5 acres.
- (6) **PARKING REGULATIONS.**

- (A) **Dwellings**. Two parking spaces shall be provided on each lot for each dwelling unit. A driveway apron, as defined, shall be provided.
 - (B) **Uses other than Dwellings**. See Supplemental Provisions Section 3.12.
- (7) **SANITATION REGULATIONS**. Before any dwelling is occupied, it must be connected to the city sewer system or at such time as the city sewer system becomes available to the property on which the dwelling is located.

Article 4
Supplementary Provisions

SECTION 4.1 - MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

SECTION 4.2 - FRONTAGE. Every lot shall abut a street, other than an alley, for at least 50 feet.

SECTION 4.3 - GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

SECTION 4.4 - FENCES. A fence or hedge within a front yard or a street side yard shall not exceed an elevation six feet above the base or ground elevation. Vision clearance areas shall be maintained.

SECTION 4.5 – FLOOD PLAIN PROTECTION. The provisions of the Dufur Flood Plain Ordinance, as amended, shall apply to all proposed development within the Special Flood Hazard Area identified by FEMA.

SECTION 4.6 - HISTORIC STRUCTURE PRESERVATION. Upon receiving an application for demolition or major exterior alteration involving an historic area, site, structure or object, as designated by the Comprehensive Plan, the Planning Commission in a public meeting shall review the application to determine its conformance with the Historic Preservation factors of this ordinance.

Demolition Procedure - If it is determined the Land Use action will result in the demolition or extensive exterior modification of any historical building, the Planning Commission shall review the application taking into account the following:

- (1) State of repair of the building.

- (2) The reasonableness of the cost of restoration or repair.
- (3) The purpose of preserving such designated historical building and sites.
- (4) The character of the neighborhood.
- (5) All other factors the Planning Commission feels are appropriate.

Following the Planning Commission review, the Planning Commission may approve or deny the permit for Land Use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

Major Exterior Alteration Procedure - Exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
- (3) All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.
- (4) In order to approve the application, the Planning Commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or Find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface

treatments which are deemed inconsistent with the integrity of the historic values being preserved.

The Planning Commission shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

- (5) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

SECTION 4.7 - MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS. When a mobile home or residential trailer is installed in a Mobile Home Park, it shall comply with the state installation standards. The mobile home or residential trailer shall comply with the following additional provisions.

- (1) The mobile home or residential trailer shall have an Oregon insignia. No reconstruction or equipment installation shall have been made to the mobile home unless it has been state approved as evidenced by an appropriate insignia. Before installation, the mobile home or residential trailer shall be inspected by the Building Official and installation shall be approved only if the Building Official determines the mobile home or residential trailer substantially meets the state standards for mobile home construction, and notwithstanding any deterioration which may have occurred.
- (2) The mobile home or residential trailer shall be tied down with devices to meet state standards.
- (3) The mobile home or residential trailer shall have a water closet, lavatory, and bathtub or shower.
- (4) The mobile home or residential trailer shall have a kitchen area or room containing a sink.
- (5) The mobile home or residential trailer plumbing shall be connected to a potable water supply and approved sewage disposal system.
- (6) The mobile home or residential trailer shall have continuous fireproof skirting.
- (7) Wheels of the mobile home or residential trailer shall be removed when the unit is installed.

- (8) Except for a structure which conforms to the state definition of a mobile home accessory structure, no extension shall be attached to the mobile home or residential trailer. Accessory buildings shall be separated from the mobile home by not less than 5 feet.
- (9) The mobile home or residential trailer shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device. The area of a mobile home accessory structure shall not be included.

SECTION 4.8 - MANUFACTURED HOME SITING STANDARDS. Manufactured homes meeting the following criteria are allowed on individual lots in specified residential zones.

- (1) The mobile home shall be manufactured after June 15, 1976, and bear the Oregon Department of Commerce "Insignia of Compliance". All pre-owned and pre-occupied units (i.e., used) shall be inspection by a certified Building Official prior to installation and occupance to insure compliance with applicable standards required for the "Insignia of Compliance and to insure that such units are in such a condition as to not be detrimental to the public health, safety, and general welfare or to adjoining properties. The applicant shall provide such certification, at the applicant's expense, to the City prior to receiving the City's approval of a Mobile Home Movement Permit or a Mobile Home Placement Permit.
- (2) **MOBILE HOME DESIGN STANDARDS.** Defined as an individual section not including tipout or extended sections and shall:
 - (A) **Singlewide Units.** Defined as an individual section not including tipout or extended sections and shall.
 - 1. Be at least 14 feet wide and shall contain at least 700 square feet of living space as determined by measurement of exterior dimensions of the unit, exclusive of any trailer hitch device.
 - 2. Have wood siding or other siding comparable to other single-family residential structures in the City.
 - 3. Have composition or fiberglass roofing shingles comparable to other single-family residences in the City.
 - (B) **Doublewide Units.** Defined as the combining of two or more sections at the site to create single-family residence shall:

1. Shall enclose a living area of at least 960 square feet as determined by measurement of exterior dimensions of the unit, exclusive of any trailer hitch device.
 2. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings, as determined by the City.
- (3) The following siting standards apply to all units.

The mobile home shall:

- (A) Be installed according to manufacturer's instructions approved by the State Department of Commerce, and all road and transient lights, wheels and the hitch shall be removed.
- (B) Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than 16 inches of the enclosing material is exposed above grade. The enclosing material used shall be in compliance with the Oregon State Building Codes in effect at the time of home placement. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16 inch limitation shall not apply.
- (C) Have a minimum of a 2:12 pitched roof.**
- (D) The mobile home shall have a continuous perimeter of skirting that shall be composed of the same texture and finish as the exterior of the mobile home. The skirting shall be of a non-corrosive, non-combustible, or shall be of brick, concrete, or masonry block. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.
- (E) All plumbing, electric, and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- (F) All mobile home accessory buildings and structures shall comply with State and local construction and installation standards. Mobile home accessory structures include porches and steps, awnings, cabanas,

carports, or any other structure or addition that depends in part on the mobile home for its structural support, or in any manner is immediately adjacent to or attached to the mobile home, excluding decks. Such structures or additions shall not total more than 30% of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complimentary to the existing mobile home unit. Ramadas shall not be permitted.

SECTION 4.9 - BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS.

A bed and breakfast facility approved as a conditional use in the residential zones of the City shall have the following approval standards.

- (1) The structure shall retain the characteristics of a single-family dwelling.
- (2) The number of guest rooms shall be limited to five (5) and the number of guests shall be limited to ten (10).
- (3) In addition to the required off-street parking for each residential use, one (1) off-street parking space for each **guest room** shall be provided.
- (4) Signs shall be limited to one non-illuminated sign, not exceeding four (4) square feet. No off-premises signs are permitted.
- (5) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.
- (6) The facility shall be licensed by the State of Oregon.

SECTION 4.10 – COMMERCIAL USES IN RESIDENTIAL ZONE.

- (1) The purpose of this section is to provide standards for certain commercial uses in the Residential zones of the City. The concept is to allow use of historic structures in the community which otherwise might not be occupied.
- (2) The following standards are established.

- (A) Historic Structure. The principal structure to be converted to commercial use must have been constructed during or prior to 1910.
- (B) Off-Street Parking. Off-street parking shall be reviewed on a case-by-case basis by the Planning Commission.
- (C) Uniform Building Code. All requirements of the Uniform Building Code shall be met.
- (D) Lighting. During hours of darkness when the establishment is in operation, parking areas and pedestrian ways on the premises shall be lighted to an intensity of at least 0.6 foot candle. No lighting shall be directed in a manner which illuminates adjoining residential premises.
- (E) Signs. No signs intended to be read from off the premises shall be permitted in connection with establishments except as generally permitted in the district for residential uses and, in addition, one sign not exceeding 10 square feet in area, mounted flat against the side of the building, for each face of the building exposed to a public street. No sign shall extend or be mounted above or beyond the wall of the building.
- (F) Hours of Operation. No establishment shall be open for business between the hours of 10:00 p.m. and 7:00 a.m.
- (G) Conduct of Operations. All sales, service, or display in connection with establishments shall be within completely enclosed buildings, and there shall be no display, service or storage outside such buildings; special events excepted with Council approval.

SECTION 4.11 - VISION CLEARANCE AREAS. A Vision Clearance Area shall be maintained at the corners of all property at the intersections of two streets or a street and a railroad. Such corner lots of parcels shall be provided with and maintain a vision clearance area. A vision clearance area is defined as a triangular area formed at a corner lot or parcel by the intersection of dedicated public rights-of-way lines and a straight line joining said lines through points twelve (12) feet back from their intersection. The vision clearance area shall provide an area unobstructed vision from three and one-half (3-1/2) feet to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

SECTION 4.12 - SIGNS. The purpose of this section is to provide standards and procedures for constructing or erecting signs in specific City zones.

(1) PROCEDURES.

- (A) Signs meeting the required standards in the Residential and Open Space zones may be erected or placed on the property without a specific permit except as noted below.
- (B) Signs meeting the required standards in the commercial and industrial zones must have a sign permit. Sign permits may be issued administratively by the city staff if the staff finds the sign being requested meets the standards described in this section and, further, that addition of the sign to a specific property will still be in compliance with these provisions.

(2) STANDARDS AND SIZE REQUIREMENTS.

(A) Residential Zones.

- 1. Single Family Dwelling. A single sign not exceeding four (4) square feet. This includes approved and permitted bed and breakfast facilities or home occupations.
- 2. Subdivisions.
 - (a) Permanent signs are limited to a maximum of 16 square feet.
 - (b) Maximum height of a permanent sign shall be six (6) feet.
 - (c) Permanent signs shall be limited to one (1) at each entrance to the subdivision.
- 3. Multi-Family Dwellings.
 - (a) A permanent sign for twelve (12) or more multi-family dwelling units may have a maximum area of sixteen (16) square feet.
 - (b) A permanent sign for eleven (11) or fewer multi-family units may have a maximum area of twelve (12) square feet.

4. Non-Residential Uses. Hospitals, schools, churches, and other institutional uses:
 - (a) *Size:* Maximum 24 square feet in size.
 - (b) *Number:* One (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totaling 24 square feet in size.
5. Temporary Signs.
 - (a) Temporary signs shall be limited to one (1) per parcel for up to 90 days.
 - (b) Temporary signs shall not exceed 12 square feet in size.

Standards for Signs in Residential Zones.

1. *Height:* Six (6) feet maximum.
2. *Illumination:* Signs may have internal or external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface and properly shielded to prevent direct glare onto streets and adjacent properties. Electric or neon signs are prohibited.

(B) Open Space Zone.

1. Two (2) signs for each site or facility shall be allowed.
2. Each sign shall not exceed 24 square feet in size.

Standards for Signs in Open Space Zone.

1. *Height:* Six (6) feet maximum.
2. *Illumination:* Signs may have internal or external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface and properly shielded to prevent direct glare onto streets and adjacent properties. Electric or neon signs are prohibited.

- (C) Commercial and Industrial Zones. Any signs erected or to be erected in Commercial or Industrial zones shall be reviewed and approved by the City and shall meet the standards outlined below. A sign application may be picked up at City Hall.
1. Principal Signs. A principal sign advertising the business may be a combination of free-standing, flush-mounted or projecting signs. Free-standing and projecting sign areas are computed by totaling both sides of the signs.
 2. Sign Area. The amount of area allowed for the sign is computed on a basis of one square foot of sign area for each lineal foot of frontage the property or business on the public right-of-way in the City up to a maximum of two hundred (200) square feet of sign area. In the case of multiple businesses within the same building, the amount of street frontage of the business within the building will be the determining factor. In the case of a corner lot, the sign size facing each street shall be limited to the amount of lineal frontage on each street. In no case shall the total signage area for each property exceed 200 square feet.
- (3) PROHIBITED SIGNS. The following signs are prohibited in the City of Dufur:
- (A) Any flashing, moving, animated, blinking or rotating signs whose illumination changes with time or which is designed in a manner to simulate motion. Time and temperature reader boards excluded.
 - (B) The sign would extend, such as a roof sign, above the roof line of the building to which it is to be attached.
 - (C) The Building or Zoning Official determines a sign to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic or signals.
 - (D) The sign is placed on, affixed to or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
 - (E) The sign is a private sign placed on, painted on or affixed to a utility pole, tree or rock.
 - (F) The sign would bear or contain statements, words or pictures of an obscene, indecent or immoral character such as will offend the public morals or decency.

- (G) Projecting or free-standing signs which would project into the public right-of-way.
- (H) The sign advertises goods or services not available on the premises.

SECTION 4.13 - OFF-STREET PARKING AND LOADING.

(1) OFF-STREET PARKING REQUIREMENTS. At the time of construction, reconstruction or enlargement of a structure, or at the time a use is changed in any zone, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

<u>USE</u>	<u>MINIMUM REQUIREMENTS</u>
(A) <u>Residential.</u>	
One-, two- and three-family dwelling	2 spaces per dwelling unit
Residential use containing four or more dwelling units	2 spaces per dwelling unit
Rooming or boarding house	Spaces equal to 100 percent of the number of dwelling units plus 1 additional space for the owner or manager
(B) <u>Commercial Residential.</u>	
Hotel	1 space per 2 guest rooms plus 1 space per 2 employees
Motel	1 space per unit and 1 additional space for the

	owner or manager
(C) <u>Institutional.</u>	
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per 4 beds for patients or residents
Hospital	1-1/2 spaces per bed
Welfare or correctional institution	1 space per 6 beds for patients or inmates
(D) <u>Place of Public Assembly.</u>	
Church	1 space per 6 seats or feet of bench length in the main auditorium, or 1 space for each 75 feet of floor area of main auditorium not containing fixed seats.
Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or 8 feet of bench length in the auditorium or assembly room whichever is greater
High school, college, commercial school for adults	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space for 4 seats or 8 feet of bench length in the main auditorium or assembly room, whichever is greater
Library, reading room	1 space per 400 square feet of floor area plus 1 space per 2 employees
Other auditorium meeting room	1 space per 6 seats or 8 feet of bench length, or 1

		space for each 75 square feet of floor area for assembly room not containing fixed seats
	Preschool, nursery, kindergarten	2 spaces per teacher
(E)	<u>Commercial Amusement.</u>	
	Bowling alley	5 spaces per alley plus 1 space for 2 employees
	Dance hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees
	Stadium, arena, theater	1 space per 4 seats or 8 feet of bench length
(F)	<u>Commercial.</u>	
	Bank, office (except medical of and dental)	1 space per 600 square feet floor area plus 1 space per 2 employees
	Eating or drinking establishment	1 space per 250 square feet of floor area
	Medical and dental clinic	1 space per 300 square feet of floor area plus 1 space per 2 employees
	Mortuaries	1 space per 6 seats or 8 feet of bench length in chapels
	Retail store except as provided in the next paragraph below	1 space per 300 square feet of floor area designated for retail sales
	Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area

(G) Industrial.

Storage warehouse, manufacturing establishment, rail or trucking freight terminal 1 space per employee

Wholesale establishment 1 space per employee plus 1 space per 700 square feet of parking serving area

(2) OFF-STREET PARKING AND LOADING. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Section shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

(A) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(C) Owners of two (2) or more uses or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.

(D) Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.

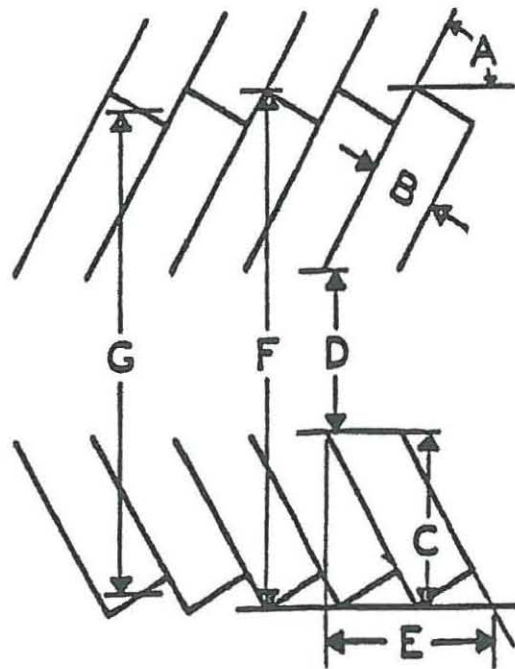
(3) DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS.
Excludes single-family dwellings.

- (A) Areas used for parking for more than two (2) vehicles shall have durable and dustless surfaces adequately maintained.
- (B) Except for parking in connection with a single-family residential dwelling, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbances to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six feet (6') in height except where vision clearance is required.
- (C) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches (4") high and which is set back a minimum of one and one-half feet (1-½') from the property line.
- (D) Artificial lighting which may be provided shall not shine or create glare in any residential zone or any adjacent dwelling.
- (E) Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their uses will require no backing movements or other maneuvering with a street right of way other than an alley.
- (F) **On-site storm water detention shall be required.**
- (G) The standards set forth in the table shown below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted): The recommended measurements for a standard American automobile parking space shall be 10 feet wide by 20 feet long. Proposals using less than that for parking spaces must be supported by data justifying the reduced spatial area.

PARKING TABLE

A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	8'0"	8.0	12.0	23.0	28.0	--	60°	8'0"	20.4	19.0	9.2	59.8	55.8
	8'6"	8.5	12.0	23.0	29.0	--		8'6"	20.7	18.5	9.8	59.9	55.6
	9'0"	9.0	12.0	23.0	30.0	--		9'0"	21.0	18.0	10.4	60.0	55.5
	9'6"	9.5	12.0	23.0	31.0	--		9'6"	21.2	18.0	11.0	60.4	55.6
	10'0"	10.0	12.0	23.0	32.0	--		10'0"	21.5	18.0	11.5	61.0	56.0
20°	8'0"	14.0	11.0	23.4	39.0	31.5	70°	8'0"	20.6	20.0	8.5	61.2	58.5
	8'6"	14.5	11.0	24.9	40.0	32.0		8'6"	20.8	19.5	9.0	61.1	58.2
	9'0"	15.0	11.0	26.3	41.0	32.5		9'0"	21.0	19.0	9.6	61.0	57.9
	9'6"	15.5	11.0	27.8	42.0	33.1		9'6"	21.2	18.5	10.1	60.9	57.7
	10'0"	15.9	11.0	29.2	42.8	33.4		10'0"	21.2	18.0	10.6	60.4	57.0
30°	8'0"	16.5	11.0	16.0	44.0	37.1	80°	8'0"	20.1	25.0	8.1	65.2	63.8
	8'6"	16.9	11.0	17.0	44.8	37.4		8'6"	20.2	24.0	8.6	64.4	62.9
	9'0"	17.3	11.0	18.0	45.6	37.8		9'0"	20.3	24.0	9.1	64.3	62.7
	9'6"	17.8	11.0	19.0	46.6	38.4		9'6"	20.4	24.0	9.6	64.4	62.7
	10'0"	18.2	11.0	20.0	47.4	38.7		10'0"	20.5	24.0	10.2	65.0	63.3
45°	8'0"	19.1	14.0	11.3	52.2	46.5	90°	8'0"	19.0	26.0	8.0	64.0	--
	8'6"	19.4	13.5	12.0	52.3	46.5		8'6"	19.0	25.0	8.5	63.0	--
	9'0"	19.8	13.0	12.7	52.5	46.5		9'0"	19.0	24.0	9.0	62.0	--
	9'6"	20.1	13.0	13.4	53.3	46.5		9'6"	19.0	24.0	9.5	62.0	--
	10'0"	20.5	13.0	14.1	54.0	46.9		10'0"	19.0	24.0	10.0	62.0	--

- KEY**
- A Parking Angle
 - B Stall Width
 - C 19' Stall to Curb
 - D Aisle Width
 - E Curb Length per Car
 - F Curb to Curb
 - G Stall Center



SECTION 4.14 –SITE PLAN APPROVAL.

- (1) **PURPOSE.** The purpose of the site plan approval process is to provide the City with a detailed drawing or drawings of a proposed land use. A site plan shall be provided for all proposed uses other than single-family or duplex residential uses and/or accessory structures. Where the proposed use is an outright permitted use within the zone in which the proposal is located, a site plan may be approved by the City Staff, provided a proposal with a significant change in trip generation has been reviewed by ODOT and it is determined that the proposed use will not impose an undue burden on the transportation system. However, at the discretion of the City Staff, such site plans may be referred to the Planning Commission in either an administrative or quasi-judicial process such as a conditional use proceeding. Site plans for proposed conditional uses will become an integral part of the record and provide the basis for City staff reports, and the basis of final review and approval by the Planning Commission or governing body. If an administrative review is undertaken, the process outlined in Section 8.4 shall be followed.

- (2) A site plan shall be drawn to scale and indicate the following:
 - (A) Dimensions and orientation of the parcel.
 - (B) Locations and heights of buildings and structures, both existing and proposed (scaled elevation drawings or photographs may be required).
 - (C) Location and layout of vehicle and bicycle parking and loading facilities.
 - (D) Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns, including bikeways and walkways.
 - (E) Location of existing and proposed walls and fences and indication of their height and materials.
 - (F) Proposed location and size of exterior lighting.
 - (G) Proposed location and size of exterior signs.
 - (H) Site specific landscape plan including percentage of total net area.
 - (I) Location and species of trees greater than 6 inches in diameter when measured four (4) feet above the ground and an indication of which trees to be removed.

- (J) Contours mapped at 2-foot intervals. (5-foot contours may be allowed on steep slopes).
- (K) Natural drainage.
- (L) Other significant natural features.
- (M) Legal description of the lot.
- (N) Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete.
- (O) Locations and dimensions of all easements and nature of the easements.
- (P) Service areas for uses such as loading and delivery.
- (Q) Grading and drainage plan.
- (R) Other site elements which will assist in the evaluation of site development.
- (S) A statement of operations shall accompany the site plan. A brief narrative on the nature of the activity, including:
 - 1. Number of employees
 - 2. Method of import and export
 - 3. Hours of operation including peak times
 - 4. Plans for future expansion
- (T) Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- (U) Number and direction of lanes to be constructed on the driveway, plus striping plans;
- (V) All planned transportation features (lanes, signals, bikeways, sidewalks, crosswalks, etc.);

- (W) Internal pedestrian and bicycle facilities connect with external or planned facilities or system.
 - (X) Trip generation data or appropriate traffic studies;
 - (Y) Plat map showing property lines, rights-of-way, and ownership of abutting properties; and
 - (Z) A detailed description of any requested variance.
- (3) SITE PLAN REVIEW CRITERIA. The following criteria shall be used in evaluation proposals.
- (A) Natural Features. Where existing natural or topographic features are present, they shall be used to enhance the development; (i.e., the use of small streams in the landscaping design, rather than culvert and fill).
 - (B) Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.
 - (C) Grading. The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.
 - (D) Public Facilities. Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. On-site detention or treatment of stormwater may be required.
 - (E) Traffic. The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).

1. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
2. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between the existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.
3. Access to all state highways will require a permit from ODOT. Access spacing and location shall address the Access Management Policies and standards of the 1999 Oregon Highway Plan. Frontage improvements, such as curb and sidewalk to ADA standards, may be required by ODOT as a condition to access.
4. The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer.

The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use shall be required where the existing transportation system may be burdened by the proposed use.

Every effort will be made to inform the applicant within twenty (20) days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.

5. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
 6. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
 7. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
 8. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
 9. Access shall be consistent with typical access management standards.
- (F) Storage. All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
- (G) Equipment Storage. Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the Municipal Code relative to noise, if any.
- (H) The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:
1. *Compatibility* -- The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of

materials shall promote harmony with surrounding structures and sites.

2. *Design* – Monotony design in single or multiple projects shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest.
 3. *Orientation* -- Buildings shall have their orientation toward the street rather than the parking area. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.
 4. *Parking* -- Parking areas shall be located behind the buildings or on one or both sides.
- (4) **COMPLIANCE.** After site plan approval or approval of a change to a site plan as provided in this Ordinance, it shall be unlawful for any person to cause or permit the proposed use in any manner except in complete and strict compliance with the approved site plan.

SECTION 4.15 – LANDSCAPING AND DEVELOPMENT STANDARDS.

(1) PURPOSE.

- (A) Landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of four (4) spaces or more.
- (B) For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five (25) percent, then twenty-five (25) percent of the site must be brought up to the standards required by this Ordinance.
- (C) **For the purposes of this ordinance, unless otherwise specified, landscaping shall mean a minimum of 40% of the required landscape area to be planted with live plant material. The plant material shall be of a size, when planted, to adequately cover 40% of the area within 3 years. Dry landscaping may cover up to 60% of the required landscape area. Dry landscaping shall not consist of crushed rock, pea gravel, or similar material, as determined by the Planning Commission.**

- (2) PROCEDURE. A landscaping plan shall be submitted to the City at the time of application for a building permit, conditional use permit, or site plan review for all new multifamily, commercial, industrial uses, including change of use, and parking lots of four (4) spaces or more.
- (A) The City staff shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.
- (B) A building permit, conditional use permit, or site plan review shall not be issued until a landscaping plan has been approved.
- (C) The required landscaping shall be in place prior to issuance of a certificate of occupancy or a schedule for its completion prepared and approved.
- (3) CONTENTS OF LANDSCAPING PLAN. A landscaping plan submitted to the City as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:
- (A) Survive in the climate and soils of the proposed site;
- (B) Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening and shade within a reasonable time.
- (4) GENERAL LANDSCAPING STANDARDS. The following landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of four (4) or more spaces.
- (A) The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.
- (B) Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
- (C) Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
- (D) Plants that minimize upkeep and maintenance shall be selected.

- (E) Plants shall complement or supplement surrounding natural vegetation.
- (F) Plants chosen shall be in scale with building development.
- (G) Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE</u>	<u>PERCENT</u>
Multi-family	20%
Commercial	15%
Industrial	15%
Parking Lots	10%

- (H) Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1-1/2) inches and be adequately staked for planting.
- (I) Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
- (J) Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
- (K) Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
- (L) Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- (M) Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
- (N) Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably such locations will be at least twenty (20) feet distant.
- (O) Trees shall not be planted closer than two and one-half (2-1/2) feet from the face of the curb except at intersections, where it should be five (5) feet

from the curb in a curb return area.

- (P) Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
- (Q) Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
- (R) Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
- (S) Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
- (T) Vision clearance hazards shall be avoided.

SECTION 4.16 – TEMPORARY USE AUTHORIZATION.

- (1) The City Recorder is authorized to permit short term, non-permanent land uses not to exceed ten (10) calendar days for special events, sales, or other activities.
- (2) The City Recorder may refer any requested temporary use permit to the City Planning Commission for approval.

Article 5
Conditional Uses

SECTION 5.1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

(1) Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and conditions in this Article. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding property or the City as a whole.

(2) STANDARDS FOR GRANTING CONDITIONAL USES.

(A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.

(B) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

(C) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

(D) The proposal will preserve assets of particular interest to the community.

(E) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

(3) PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and

to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following.

- (A) Increasing the required lot size or yard dimension
- (B) Limiting the height, size or location of buildings
- (C) Controlling the location and number of vehicle access points
- (D) Increasing the street width
- (E) Increasing the number of required off-street parking spaces
- (F) Limiting the number, size, location and lighting of signs
- (G) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
- (H) Designating sites for open space.
- (I) Requiring proper drainage and pest control
- (J) Placing time limits on the use and requiring periodic reviews

(4) PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

- (A) Application for a Conditional Use. A property owner shall initiate a request for a conditional use or the modification of a conditional use by filing an application along with drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
- (B) Public Hearings on Conditional Use. Before the Planning Commission can act on a conditional use request, a public hearing must be held.
- (C) Notification Action. Within five (5) days following the Planning Commission decision, the City Recorder shall provide the applicant with written notice of the Planning Commission's action on the application.
- (D) Time Limit on a Permit for Conditional Use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 6 months on request.

- (5) RESUBMITTAL. If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.
- (6) FINAL ACTION. Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The 120-day time period will commence on the date the application is deemed complete.
- (7) EXISTING LAND USES.
- (A) Land uses which lawfully existed at the time of the adoption of this ordinance and which would be considered as conditional uses in this ordinance shall be considered as existing conditional uses.
- (B) An expansion, enlargement or change of use to another listed conditional use shall be required to be approved by the Planning Commission in accordance with this article.
- (8) REVOCAION OF CONDITIONAL USE PERMIT.
- (A) Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
- (B) In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Article 5 of this Ordinance in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
- (C) If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time

shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten days after the time specified.

- (D) Reapplication for a conditional use which has been revoked cannot be made within one year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrant it.

PLANNED UNIT DEVELOPMENT

SECTION 5.2 - APPLICABILITY OF PLANNED UNIT DEVELOPMENT REGULATIONS. The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Article 5 of this ordinance.

SECTION 5.3 - PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- (1) Advances in technology and design.
- (2) Recognition and resolution of problems created by increasing population density.
- (3) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- (4) The potential of sites characterized by special features of geography, topography, size or shape.

SECTION 5.4 - FINDINGS FOR PROJECT APPROVAL. The Planning Commission may approve a planned unit development if it finds that the planned unit development will satisfy standards of both Article 5 of this ordinance and this section and including the following:

- (1) The proposed planned unit development is an effective design consistent with the Comprehensive Plan.
- (2) The applicant has sufficient financial capability to assure completion of the planned unit development

SECTION 5.5 - DIMENSIONAL AND BULK STANDARDS. A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- (1) The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained. The density standards as allowed by the applicable zone shall be maximum density allowed in the PUD except as noted.
- (2) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- (3) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed.

SECTION 5.6 – COMMON OPEN SPACE. Common open space is land that is left open without structures for use by all owners or tenants of the Planned Unit Development. Streets, public or private are not to be considered as common open space. At least 50% of the gross land area contained in the Planned Unit Development shall be designated as Common Open Space. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

SECTION 5.7 - DESIGN STANDARDS. Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- (1) Private streets shall have a minimum improved width of twelve (12) feet for each lane of traffic. If on-street parking spaces are provided, they shall be

improved to provide an additional eight (8) feet of street width for each side of the street that the parking is provided. Rolled curbs and gutters may be allowed.

- (2) Utilities shall be underground where practicable.
- (3) The overall density of the proposed Planned Unit Development may be increased by a factor of 33%, if the development includes some of the following improvements: approved walkways or bike paths, play areas and defined recreational activities and spaces or other amenities. The increased density must be approved by the Planning Commission, after evaluation of the proposed improvements.

SECTION 5.8 - ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- (1) Golf course
- (2) Private park, lake or waterway
- (3) Recreation area
- (4) Recreation building, clubhouse or social hall
- (5) Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development.

SECTION 5.9 - APPLICATION SUBMISSION. An applicant shall include with the application for approval of a planned unit development a preliminary development plan as described in this section. The procedure for review and approval of a planned unit development is the same as contained in Section 5.1 of this ordinance.

SECTION 5.10 - PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and shall include the following information:

- (1) A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

- (2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- (3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around buildings and structures.
- (4) Elevation and perspective drawings of proposed structures.
- (5) A development schedule indicating:
 - (A) The approximate date when construction of the project can be expected to begin.
 - (B) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the current Uniform Building Code (UBC) as of date of issue of the building permit.
 - (C) The anticipated rate of development.
 - (D) The approximate dates when each stage in the development will be completed.
 - (E) The area, location and degree of development of common open space that will be provided at each stage.
- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

- (7) The following plans and diagrams:
 - (A) An off-street parking and loading plan.
 - (B) A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.

- (C) A landscaping and tree plan.
- (8) A written statement which is part of the preliminary development plan shall contain the following information.
 - (A) A statement of the proposed financing.
 - (B) A statement of the present ownership of all the land included within the planned unit development.
 - (C) A general indication of the expected schedule of development.

SECTION 5.11 - APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. The approval of the preliminary development plan by the Planning Commission shall be binding on both the Planning Commission and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted.

SECTION 5.12 - APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- (1) The final development plan shall be submitted to the Planning Commission within six months of the date of approval of the preliminary development plan. The Planning Commission may extend for up to six months the period for filing of the final development plan. After review, the Planning Commission shall approve the final development plan if it finds the plan is in accord with the approved preliminary development plan.
- (2) A material deviation from the approved preliminary development plan shall require the preliminary development plan to be re-examined by the Planning Commission.
- (3) Within thirty (30) days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Wasco County Clerk.

SECTION 5.13 - CONTROL OF THE DEVELOPMENT AFTER COMPLETION. The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- (1) The building official shall issue a certificate of completion of the planned unit development and shall note the issuance on the Planning Commission copy of the recorded final development plan.

- (2) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
- (A) Minor modifications of existing buildings or structures.
 - (B) A building or structure that is totally or substantially destroyed may be reconstructed.
 - (C) An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related use regulations. The procedure shall be as outlined in Section 5.9 of this Article.

Article 6
Exceptions and Variances

SECTION 6.1 - NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

SECTION 6.2 - GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot. Any front yard need not exceed:

- (1) The average of the front yards on abutting lots which have buildings within 100 feet of the lot; or
- (2) The average of the front yard of a single abutting lot, which has a building within 100 feet, and the required depth for that zone.

SECTION 6.3 - GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS.

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

SECTION 6.4 - PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 24 inches into a required yard setback area.

SECTION 6.5 - AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 6.6 - CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted only in the event that all of the following circumstances exist:

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

SECTION 6.7 - PROCEDURE FOR GRANTING A VARIANCE.

- (1) APPLICATION FOR A VARIANCE. A property owner shall initiate a request for a variance by filing an application with the City Recorder.
- (2) PUBLIC HEARING ON A VARIANCE. Before the Planning Commission may act on a request for a variance, it shall hold a public hearing.
- (3) NOTIFICATION OF DECISION. Within 10 days after a decision has been rendered by the Planning Commission with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the Planning Commission.
- (4) TIME LIMIT FOR A PERMIT FOR A VARIANCE. Authorization for a variance shall be void after six (6) months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend the authorization for an additional six (6) months on request.
- (5) RESUBMITTAL. If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.
- (6) FINAL ACTION. Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within one hundred twenty (120) days from the date a complete application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred twenty (120) day time period will commence on the date the application is deemed complete.

SECTION 6.8 – ADMINISTRATIVE VARIANCES. An administrative variance may be granted by staff without the normal public hearing before the Planning Commission, provided:

- (1) The variance requested is for relief of a physical or spatial requirement of this

Ordinance and the variance is ten (10) percent or less of **any one** specified requirement.

- (2) Notice to affected property owners shall be required as specified in Section 8.5 of this Ordinance.
 - (A) At the end of the ten (10) day period provided for review, the City shall render a decision based upon the appropriate approval criteria for variances or conditional uses and prepare a written decision together with the findings of fact on which the decision is based.
 - (B) Anyone filing a written objection may appeal the staff decision to the Planning Commission.

Article 7
Amendments

SECTION 7.1 - FORMS OF AMENDMENTS. There are two types of amendments to revise the Comprehensive Land Use Plan and the Zoning and Subdivision Ordinances:

- (1) Amendment to the text. (Legislative Revision)
- (2) Amendment to the Map. (Legislative Revision or Quasi-Judicial Change)

SECTION 7.2 - LEGISLATIVE REVISIONS.

- (1) Proposed amendments to this ordinance shall be deemed legislative revisions if:
 - (A) The proposed amendment involves the text of this ordinance, and/or
 - (B) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
 - (A) A majority vote of the City Council; or
 - (B) A majority vote of the Planning Commission; or
 - (C) A request by the City Attorney or City Planner.

SECTION 7.3 - QUASI-JUDICIAL REVISIONS.

- (1) A proposed amendment to this ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the Zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Quasi-judicial changes may be initiated by:

- (A) Property owners or contract purchaser or an authorized agent; or
 - (B) A majority vote of the City Council; or
 - (C) A majority vote of the Planning Commission; or
 - (D) A request by the City Attorney or City Planner.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, city staff shall make the initial determination. The staff decision may be appealed to the Planning Commission.

SECTION 7.4 – HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL REVISIONS TO THE COMPREHENSIVE PLAN, ZONING, OR SUBDIVISION ORDINANCES. Public hearings, under the provisions of Section 8.5, shall be required for both legislative and quasi-judicial amendments to the **Comprehensive Plan, Zoning, or Subdivision Ordinances**. A public hearing before the Planning Commission is mandatory. A public hearing before the City Council is optional. (See procedures in Section 7.6 below).

SECTION 7.5 – NOTICE REQUIREMENTS. For both legislative and quasi-judicial revisions to the **Comprehensive Plan, Zoning, or Subdivision Ordinances**, a series of public notices are required. These notices are as follows:

- (1) **POST-ACKNOWLEDGEMENT PLAN AMENDMENT NOTICE TO DLCD.** The Department of Land Conservation and Development requires notice of the first evidentiary hearing on a proposed amendment to a jurisdiction's zoning ordinance to be submitted to the Department on their forms at least forty-five (45) days in advance of the first hearing. Notice must be in the Salem office forty-five (45) days or earlier than the date of the proposed hearing before the Planning Commission.
- (2) **NOTICES OF BOTH LEGISLATIVE AND QUASI-JUDICIAL HEARINGS.** Notices of both legislative and quasi-judicial hearings must be published in the local newspaper following the requirements of Section 8.5 of this Ordinance.
- (3) **LEGISLATIVE REVISIONS—BALLOT MEASURE 56.** Ballot Measure 56, passed by general vote in the 1998 election, requires specific notices be mailed to all affected landowners in the instance of a legislative revision in

which a rezoning will occur. These must be mailed not more than forty (40) nor less than twenty (20) days from the date of the first hearing.

- (4) QUASI-JUDICIAL HEARINGS. Quasi-judicial hearings require notices to all affected property owners within one hundred (100) feet of the subject property be mailed at least ten (10) days before each hearing on the proposed amendment.

SECTION 7.6 – LEGISLATIVE OR QUASI-JUDICIAL AMENDMENT PROCEDURAL PROCESS. The amendment process for **the Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance** text or Map amendments requires at least two public hearings, one before the Planning Commission and one before the City Council, in order to meet statutory requirements. Additional hearings may be held if deemed necessary. Each public hearing must be noticed in accord with Section 8.5 of this ordinance. In order to expedite the review process of either a legislative or quasi-judicial amendment, the notice of public hearings may be published and/or mailed concurrently. The Planning Commission public hearing is considered the first evidentiary hearing on a particular amendment and, as such, requires notice to the Department of Land Conservation and Development in accord with state statutes as well. The Planning Commission decision on a proposed amendment is in the form of a recommendation to the City Council, which must take final action on a proposed amendment. In order to expedite the review process, the City Council public hearing on a proposed amendment may be held concurrently with the Planning Commission public hearing as a joint public hearing process or it may be held, at the Council's option, within a matter of days after the Planning Commission recommendation is delivered to the Council. In all cases, the City Council must take final action on a proposed amendment.

SECTION 7.7 – LEGISLATIVE AMENDMENTS. Legislative amendments are broad-based amendments which impact the whole City not just a specific neighborhood or area. Most text amendments are legislative. No specific hearing procedure is required. The Planning Commission and/or City Council are acting as legislators, making new law for the City. It is suggested, in order to provide a sound format for the hearing process, that the quasi-judicial procedure be followed.

SECTION 7.8 – QUASI-JUDICIAL HEARING REQUIREMENTS.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding.
 - (A) The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.

(B) The requested zone change or conditional use must be justified by proof that:

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.
2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
3. The public need is best served by changing the classification of the subject site in question as compared with other available property.
4. The potential impact upon the area resulting from the change has been considered.

(C) Approval Criteria for Amendments.

1. The applicant must show that the proposed change conforms with the Comprehensive Plan.
2. A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
3. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- (a) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 - (b) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (2) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
- (3) Procedural Process of a quasi-judicial hearing.
- (A) Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
 - (B) There must be a record which will support the findings made by the decision makers.
 - (C) Pre-hearing contact must be disclosed by the decision-makers at the outset of the public hearing.

SECTION 7.9 – NOTIFICATION OF DECISION. Within 5 working days after a final decision on an amendment to the comprehensive plan, zoning ordinance text or plan/zone map, the City Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within 5 working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

SECTION 7.10 – LIMITATION OF REAPPLICATIONS. No application of a property owner for an amendment to a zone boundary shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

SECTION 7.11 – RECORD OF AMENDMENTS. The Recorder shall maintain records of amendments to this ordinance.

Article 8
Administrative Provisions

SECTION 8.1 – ADMINISTRATION. The City Recorder is appointed by the City Council and shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the City Recorder regarding a requirement of the ordinance may be made only to the Planning Commission as outlined in Section 8.7.

SECTION 8.2 – BUILDING PERMIT REQUIRED. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City ordinance at the time the application is filed.

SECTION 8.3 – FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications, and appeals provided for in this ordinance shall be made on the forms provided by City Recorder.

SECTION 8.4 – ADMINISTRATIVE REVIEW PROCESS.

- (1) The purpose of this section is to provide an administrative review process for the review and approval of land use activities, such as Site Plan Review, which are not required to proceed through a public hearing process.
- (2) Submittal. At least ten (10) copies of the proposed site plan, landscaping plan, and grading and drainage plan, if required, shall be submitted to the City Recorder's office, along the a completed application form.
- (3) Notice of Application.
 - (A) Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:
 1. The applicant and owners of property within 100 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.

2. Any affected governmental agency, department, or public district within whose boundaries the subject property lies.
- (B) The notice provided by the City shall:
1. Explain the nature of the application and the proposed use of uses which could be authorized.
 2. Set forth the street address or other easily understood geographical reference to the subject property.
 3. Provide a 10 day comment period, from the day notice mailed, for submission of written comments prior to the decision.
 4. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Commission on that issue.
 5. List by commonly used citation the applicable criteria for the decision.
 6. State the place, date, and time that comments are due.
 7. State that a copy of the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 8. Include the name and telephone number of the Director to contact for additional information.
- (C) The failure of a property owner to receive notice as provided in this Section shall not invalidate such proceedings if the Department can show that such notice was given.
- (4) Time Limits. All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.
- (5) Staff Report. Administrative decisions shall be signed by the City Recorder, and based upon and accompanied by a staff report that includes:

- (A) An explanation of the criteria and standards considered relevant to the decision.
 - (B) A statement of basic facts relied upon in rendering the decision.
 - (C) Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.
- (6) Final Decision. The approval, approval with conditions, or denial of an administrative action shall be the City's final decision.
- (7) Notice of Decision. Decision notice shall be provided to the applicant, the Commission, and any party of record. The decision notice shall include:
- (A) A brief summary of the decision and the decision making process.
 - (B) An explanation of appeal rights and requirements.
- (8) Effective Date of Decision. A final decision on administrative actions is effective on the date notice of the decision is mailed to the applicant and parties of record.
- (9) Appeal. Administrative actions may be appealed to the Planning Commission, per the provisions of Section 8.7.

SECTION 8.5 – PUBLIC HEARINGS.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least ten days prior to the date of hearing.
- (2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to owners of property within 100 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing.

Said notice shall - - -

- (A) Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).

- (B) List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
- (C) Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
- (D) State the date, time, and location of the hearing, ORS 197.763(3)(d).
- (E) State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue, ORS 197.763(3)(3) [and ORS 197.763(1)1.
- (F) State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).
- (G) Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(9).
- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).
- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(l).
- (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).
- (K) If a proposed zone boundary amendment has been initiated by the City and is declared by the City to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.

SECTION 8.6 – AUTHORIZATION OF SIMILAR USES. The Planning Commission may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in

a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

SECTION 8.7 - APPEAL FROM DECISION OF THE CITY STAFF.

- (1) An appeal from a decision of the City Staff may be filed with the City Recorder.
- (2) An appeal from a decision of the City Staff may only be initiated by filing a Notice of Appeal.
- (3) The decision of the City Staff shall be final, unless a written Notice of Appeal is filed with the City Recorder within 15 days of the date of the decision.
- (4) The Notice of Appeal shall contain a copy of the application for the permit and a copy of the City Staff's decision.
- (5) The Notice of Appeal shall state the specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the City Staff is not in conformance with the applicable criteria and standards set forth in The City Zoning Ordinance.
- (6) A Notice of Appeal shall be accompanied by the required fee as set by City Council resolution.
- (7) An appeal of a decision of the City Planner shall be heard by the Planning Commission following the procedures of Section 8.5, Public Hearings.

SECTION 8.8 - APPEAL OF DECISIONS OF THE PLANNING COMMISSION.

- (1) The applicant, or any person who provided testimony, either in person or in writing, at the hearing before the Planning Commission, may appeal the decision of the Planning Commission to the City Council.
- (2) The appeal of a decision of the Planning Commission may only be initialized by filing a Notice of Appeal, as set forth in this section.
- (3) The decision of the Planning Commission shall be final, unless a written Notice of Intent of Appeal is filed with the City Recorder within 15 days from the date it was signed by the Chair, unless the City Council, on its own motion, orders a review of the decision within 15 days of the date of the recorded decision.
- (4) Every Notice of Appeal shall contain:

- (A) A copy of the application or adequate reference to the matter sought to be appealed and the date of the decision of the Planning Commission;
 - (B) Statement that the appellant either participated in the hearing in person or in writing or that the appellant is the applicant;
 - (C) The specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the hearing body is not in conformance with the Comprehensive Plan, Zoning Ordinance, Subdivision or Oregon Revised Statutes. Such issues shall be raised with sufficient specificity so as to afford the City Council an adequate opportunity to respond to each issue;
 - (D) The required fee as set this ordinance.
 - (E) Hearings before the City Council shall be conducted in compliance with Section 8.5, Public Hearings.
- (5) The City Council's consideration of the Planning Commission's decision may be confined to the record of the proceeding before the Planning Commission, or, the Council may hear the material de novo. The record shall include:
- (A) All materials, memorandum, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Planning Commission;
 - (B) All materials submitted by the City staff with respect to the application;
 - (C) The minutes of the hearing before the Planning Commission;
 - (D) The written decision of the Planning Commission;
 - (E) The Notice of Appeal;
 - (F) Oral and written argument; if any, by the hearing participants, their legal representatives or City staff, made at the time of the hearing before the City Council.
- (6) The City Council may affirm, reverse or modify the action of the Planning Commission in full or in part. The City Council may also remand the matter back to the Planning Commission for further consideration.
- (7) The City Council shall adopt a written decision that clearly states the basis for it decision within thirty (30) days of the close of the hearing. When an application is approved, the term of approval shall be specified, including any

restrictions and conditions. A proposed decision submitted by the City Staff or any other person may be adopted by the City Council as submitted, or as amended by the City Council.

SECTION 8.9 – RESUBMITTAL. If a request is denied by the City Staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

SECTION 8.10 – FILING FEES.

- (1) Filing fees shall be established by City Council Resolution.
- (2) The City of Dufur, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to the applicant, as a part of the land use planning process.

Article 9
General Provisions

SECTION 9.1 – INTERPRETATION. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

SECTION 9.2 – SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent Jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9.3 – ABATEMENT AND PENALTY.

- (1) Violation of any provision of this ordinance or of any amendment of this ordinance is punishable upon conviction by a fine of not more than \$100.00 for each day of violation where the offense is a continuing offense.
- (2) In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

SECTION 9.4 – REPEALER. Dufur Ordinance #228 and all amendments thereto are hereby repealed.

SECTION 9.5 – ADOPTION.

Approved by the Common Council this 8th day of July, 2003

CITY OF DUFUR



Mayor Darrel Wolff

ATTEST:



City Recorder Marilyn C. Sawyer