

Ordinance No. 98-1222

CITY OF THE DALLES, OREGON
LAND USE AND DEVELOPMENT
ORDINANCE

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Chapter 1**GENERAL PROVISIONS**

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1.010 Title

This Ordinance shall be known as “The City of The Dalles Land Use and Development Ordinance”.

1.020 Purpose

The purpose of this Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate public parks and open space; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire, natural disaster, and other dangers; to facilitate the adequate provision of public improvements and sanitary conditions; to provide adequate access to and through property; to assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land; to promote the public health, safety and general welfare; and, to implement the City of The Dalles Comprehensive Plan and to guide and manage the future growth in the City in accordance with that Plan.

1.030 Authority

This Ordinance is adopted pursuant to the authority contained in Oregon Revised Statutes Chapters 92, 197, 222, 223, 224, and 227.

1.040 Jurisdiction

This Ordinance shall be effective throughout the City’s planning jurisdiction. The City’s planning jurisdiction is the area within the city limits, as well as the future urbanizable area between the city limits and the urban growth boundary established by the City’s Comprehensive Plan and as specified in The City of The Dalles/Wasco County Urban Growth Area Joint Management Agreement.

1.050 Effective Date

This Ordinance shall become effective on June 11, 1998. Amendments to this Ordinance, unless otherwise specified, shall become effective 30 days after legal adoption by majority vote of The Dalles City Council.

1.060 Severability

The provisions of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase is found to be invalid by any Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

1.070 Repeal

The following Ordinances, together with all amendments thereto are hereby repealed:

- A. “The City of The Dalles Zoning Ordinance No. 80-986”, adopted May 13, 1980.
- B. “The City of The Dalles Subdivision Ordinance No. 937”, adopted August 4, 1975.
- C. “The City of The Dalles Mobile Home Parks and Recreational Vehicle Parks Ordinance No. 943”, adopted May 17, 1976.

1.080 Correction

This Ordinance may be corrected to cure editorial errors by Resolution of the City Council.

1.090 Interpretation

The provisions of this Ordinance shall be liberally construed to effect its purpose. These provisions are declared to be the minimum requirements to fulfill the stated objectives in the Purpose Statement in *Section 1.020* above. When the requirements herein imposed are less restrictive than any other comparable requirements imposed by this Ordinance, State or Federal Laws, or State or Federal Administrative Regulations, then the more restrictive shall govern.

Where the code language is ambiguous or unclear the Director is authorized to interpret the code. Requests for interpretation shall be submitted in writing on a form provided by the City. The Director shall make a written determination and mail or deliver a copy to the party requesting the interpretation. Appeals shall be heard by the Commission according to the provisions of *Section 3.020.080*.

1.100 Compliance

No structure, building, land, or use within the City of The Dalles planning jurisdiction, as described above in *Section 1.040: Jurisdiction*, shall be erected, moved, reconstructed, used, extended, enlarged or in any way altered contrary to the provisions of this Ordinance. All officials, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to, and require conformance with, this Ordinance. The aforementioned persons shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out this ordinance. No person shall erect, construct, alter, maintain or use any building or structure in violation of this Ordinance or any amendment thereto. No person shall use, divide, or transfer any land in violation of this Ordinance or any amendment thereto.

1.110 Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday observed by the City, that day shall be excluded. When the time period is less than seven days, then Saturdays, Sundays and legal holidays observed by the City shall be excluded.

1.120 Fees

Current fees shall remain in effect. Any new fees required by this Ordinance and any fee changes shall be adopted by resolution of the City Council. The City Council, upon written request, may waive all or part of any filing fee required by this ordinance.

Chapter 2

DEFINITIONS

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2.010 Meaning of Words Generally

All words and terms used in this Ordinance have their commonly accepted, dictionary meaning unless they are specifically defined in this Ordinance, or the context in which they are used clearly indicates to the contrary.

2.020 Meaning of Common Words

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for".
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

2.030 Meaning of Specific Words and Terms

The listed specific words and terms are defined as follows:

Abutting Lots - Two or more lots joined by a common boundary line or point.

Access, Accessway, Access Drive – The means and right to cross between public and/or private property so that persons and/or vehicles may enter and leave private property.

Accessory Structure - A structure incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use - A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Adult Business – Any person group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to the entire portion of the premises to any persons younger than 18 years of age, and which is restricted by state law from furnishing to, sending, exhibiting an obscene performance to, or displaying obscene material to a minor, which is defined as an unmarried person under the age of 18 years.

Adult use – A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons under 18 years of age are prohibited.

Agriculture - Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, poultry for commercial use; does not include processing, slaughtering, and similar uses, or forestation.

Airport – The Columbia Regional airport, located in Klickitat County, Washington.

Alley - Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

Alteration - A change, addition, or modification in construction or occupancy of a building or structure.

Apartment - A dwelling unit which is located within a multi-family dwelling but excluding condominiums. ("Multi-Family Dwelling" is defined under "Building Types.")

Applicant - The property owner(s) or legal agent or representative of the property owner(s).

Application - For purposes of this Ordinance, application is defined as materials submitted or to be submitted.

Approving Authority - The Director in the case of Ministerial and Administrative decisions, the Commission in the case of Commission quasi-judicial hearings and decisions, and the Council in the case of Council quasi-judicial and legislative hearings and decisions.

Base Flood - Inundation during periods of higher than normal stream flow that has a 1 % chance of being equaled or exceeded in any given year. This area is commonly referred to as the 100-year flood plain.

BCA – Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles.

Block - A tract of land bounded by a street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainage ways, water courses or unsubdivided land.

Bond - Any form of security (including a cash deposit surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Buffer - An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

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

Buildable Lot Area - That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height - See "Height of Buildings" definition in Section 6.070.050. Also see height exceptions in Section 6.090 for non-residential structures.

Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Ordinance between the property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official - The person or persons so designated by the Community Development Director.

Calendar Year - The yearly period beginning on January 1st and ending on December 31st.

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.

Cemetery - Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Child Care Center - An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for “ Family Day Care”.)

Church - A permanently located, fully enclosed building primarily used for religious worship.

City - The City of The Dalles, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Commission - The duly appointed City of The Dalles Planning Commission.

Community Event - Periodic or annual special events involving community wide interest, usually sponsored by a nonprofit entity, such as but not limited to events like the Cherry Festival, Rodeo, Neon Nights, Jamming July Street Fest, sanctioned bike races, Historic The Dalles Days, parades, and circuses. Activities directly associated with Community Events are considered part of the event and not as a separate use of the property and as such are exempt from the provisions of the LUDO during the days of the event.

Conceptual Plan – A general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan.

Condominium - Two or more dwellings on a single lot with individual ownership of the dwelling units and common ownership of the land.

Contiguous - Shall mean the same as abutting.

Council - The duly elected City Council of the City of The Dalles.

Day Care Facility - See definition for “Child Care Facility”.

Day Care, Family - See definition for “Family Day Care”.

Density - The number of dwelling units per acre.

Department - The Community Development Department of the City of The Dalles.

Developer - Any person, firm, corporation or government agency undertaking any development, either as owner, builder, or through the services of employees, agents, or independent contractors.

Development - Making a material change in the use or appearance of a structure (internal and external) or land, creation of three or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes, but is not limited to, constructing, filling, grading, paving, excavating, and drilling.

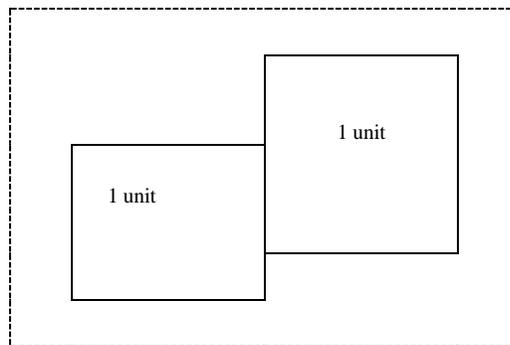
Development Site - A legally established lot(s) or parcel(s) of land occupied or capable of being occupied by a building or group of buildings and/or other development, including accessory structure(s) and accessory use(s), together with the yards, open spaces, and setback areas required by this Ordinance, and having frontage or access to a public right-of-way as required by this Ordinance.

Director - The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Ordinance.

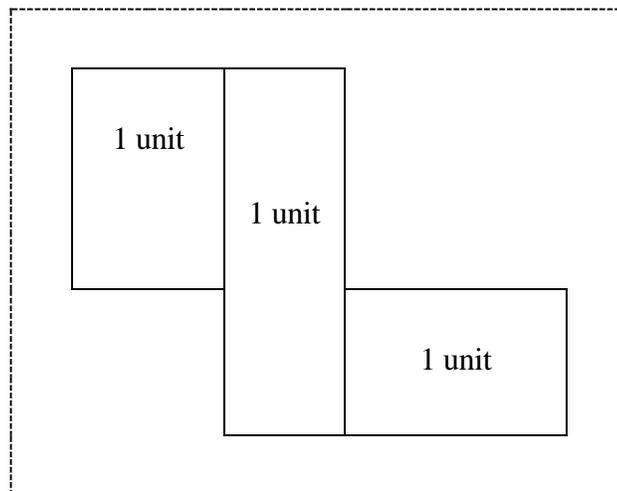
Discontinued Use - Unless otherwise clearly specified in this Ordinance, discontinued use shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent to resume use.

Drainage Way - A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

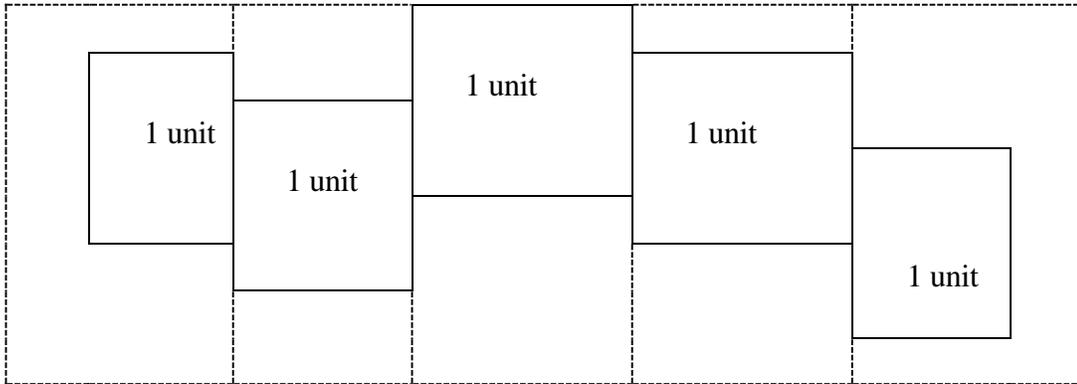
Dwelling, Duplex - Two dwelling units located on a single lot or development site placed so that some structural parts are in common.



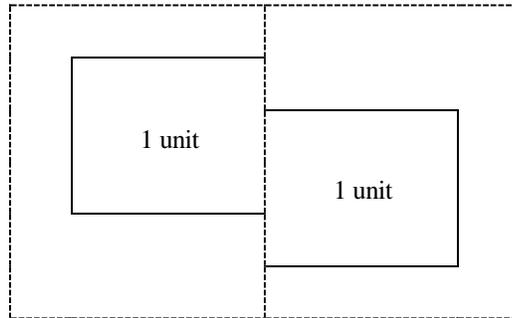
Dwelling, Multi-Family - A structure containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot or development site.



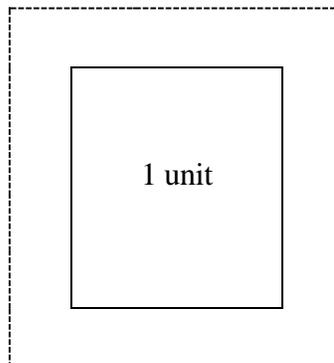
Dwelling, Single Attached (Townhouse) - More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.



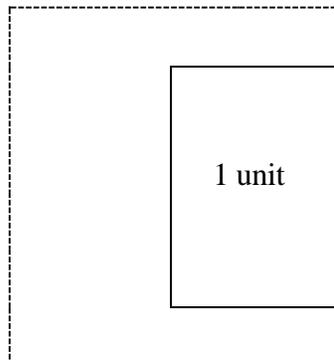
Dwelling, Single Attached (Zero Lot Line) - Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



Dwelling, Single Detached - One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



Dwelling, Single Detached (Zero Lot Line) - A single detached structure with no setback from one lot line.



Dwelling Unit - One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family.

Easement - The grant of a right to use someone's property for a specific purpose, such as for access or for utilities.

Excavation - the process of mechanically altering or changing the natural grade (elevation) by cutting and or filling the earth.

Family - An individual or two or more persons related by blood, adoption or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Ordinance, "family" also refers to unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care.

Family Day Care - "Babysitting", care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "home business".

Final Decision - The decision made by the Approving Authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Ordinance.

Flag Lot - A lot that has access by means of a narrow strip of land. Also referred to as "Rear Lot".

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Emergency Management Agency (FEMA) has delineated areas of special flood hazards and the risk premium zones applicable to portions of the community.

Flood Plain - The area adjoining a stream that is subject to inundation by a base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 ft.

Front Building Line - The building line which fronts on the street.

Frontage - That portion of a development site that abuts a public or private street.

Grade - Given in reference to the slope of land, or in reference to construction, grade is the lowest point of elevation of the finished or existing surface of the ground, paving, construction, or sidewalk.

Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Home Business - A lawful commercial activity commonly carried on within a dwelling and/or accessory dwelling(s), provided the residential character of the property is maintained and the activity does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. *See Section 6.020: Home Businesses.*

Homeowners Association - An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Household - A domestic establishment including a member or members of a family and/or others living under the same roof.

Intermodal Cargo Container – Large, reusable containers without wheels used for shipping in intermodal transportation.

Kennel - Any lot or premise on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding - Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

Laydown Yard – A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.

Landscaping - Landscaping is defined in *Section 6.010: Landscaping, (p. 6-3).*

Lot - A unit of land owned or under lawful control and in the lawful possession of one distinct ownership and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development.

Lot Area - The total horizontal area within the lot lines of a lot.

Lot, Corner - A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Interior - A lot other than a corner or reversed corner lot.

Lot, Reversed Corner - A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

Lot, Tax - One parcel of real property shown on the County Assessor's map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record. A tax lot may contain more than one platted legal lot of record

Lot, Through - A lot of record whose front and rear lot lines both abut streets.

Lot Coverage - Unless otherwise specified in this Ordinance, percent of a development site covered by paved surface areas and buildings.

Lot Depth - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Frontage - See 'frontage'.

Lot Line - The property line bounding a lot.

Lot Line, Exterior - The side lot line abutting a street.

Lot Line, Front - In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Interior - The side lot line abutting another lot line.

Lot Line, Rear - The record lot line or lines most distant from and generally opposite the front lot line.

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

Lot Line Adjustment - The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Lot of Record - A lot or parcel created through the applicable land division regulations at the time the lot was created.

Lot Width - The distance between the midpoints of the side lot lines.

Lowest Floor - The lowest floor of the lowest enclosed area in a building, including a basement. An unfinished, non-habitable enclosed floor area useable solely for parking of vehicles, building access or storage in an area other than a basement area shall not be considered the buildings lowest floor.

LUBA - The State of Oregon Land Use Board of Appeals.

Manufactured Dwelling - A residential trailer, mobile home, or manufactured home as defined in this Chapter.

Manufactured Dwelling Park - A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.

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.

Manufactured Home Space - Any portion of a manufactured dwelling park (see definition for "Manufactured Dwelling Park") which is designated or used for occupancy of one manufactured home, mobile home, or residential trailer, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Home Stand - That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure.

Master Plan – An overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed which is final for such issues as uses and densities. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed application is based on regulations in effect at time of submittal of original plan application.

Material Storage Yard - Any lot or parcel of property, or portion thereof, where any of the following takes place, except when the following occur in a walled and roofed building:

1. The storage or dismantling of used or discarded manufacturing apparatus, lumber, building materials, equipment, scrap metals and any other item associated with the building trades, whether or not for purposes of sale.
2. The salvaging, dismantling, wrecking, reassembling or burning of any of the items in Subsection (1) above.

Medical Care Facility - An institution providing in-patient and/or out-patient health services for the medical, psychiatric, or surgical care of the sick or injured. Includes related facilities such as laboratories, training facilities, services and staff offices related to the institution.

Medical Marijuana Dispensary – Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346, as now constituted, that sells, distributes,

transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

Minor Partition - Dividing a legal lot of record into three or fewer conforming lots within a calendar year.

Mobile Home - A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976.

Mobile Home Park - See “Manufactured Dwelling Park”.

Modular Structure - A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motor Home - See “Recreational Vehicle”.

Motor Vehicle – Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

National Geodetic Vertical Datum - An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

Nonconforming Development - A lawful existing structure, use, or legal parcel of land that does not conform to requirements of the zone district where it is located, but which was already in existence at the time this Ordinance or any amendment to it became effective.

Office - A place where the following civic and commercial use types, as described in this Ordinance, are conducted: administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

Open Space - Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state, and normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails. Does not include off-street parking or loading areas or driveways.

ORS - Oregon Revised Statutes.

Person - An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development - A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Plat - Refers to a final subdivision plat, replat or partition plat.

Plat, Partition - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Public House – A facility open to the public licensed to serve alcohol.

Public Improvements - Those improvements necessary to serve a development and/or required by the approving authority in conjunction with development. Such public improvements may include, but are not limited to: streets, curb, gutter, sidewalk, drive approaches, storm system, trails, paths, bridges, sanitary system, water system, fire protection system, structures, street lights, traffic signals, traffic signs, etc. To qualify as public improvements, such work must be:

1. Designed and constructed in accordance with applicable standards.
2. Located inside the City's Urban Growth Boundary, OR on property which has been or will be dedicated or deeded to the public or a public agency, OR in an appropriate and properly recorded easement to the public or a public agency.
3. Owned, operated or maintained by a public agency.

Recreational Vehicle - A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.

Recreational Vehicle Park - A lot or tract of land where the primary use is for temporary parking, on a fee or other basis, of occupied recreational vehicles.

Recycling Center - A place of business engaged in the receiving of waste materials, such as, but not limited to glass, cans, paper, and plastics, and the temporary storage of such waste materials until they are removed to another site for processing.

Replat, Major - The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor - The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created or deleted within a 12 month period.

Reserve Strip - A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care Facility - A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Care Home - A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

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 used for residential purposes, and that was constructed prior to January 1, 1962.

Right-of-Way - A public way dedicated for vehicular, bicycle or pedestrian use.

Setback - The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this Ordinance shall be the property line unless otherwise excepted, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Ordinance.

Sign - Any device or medium affixed to property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Special District - A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for certain development or redevelopment.

Staff - The administrative officers responsible for the operation and management of the various City departments and divisions.

Street - A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, or to which a right of public use has otherwise been attached, which affords the principal means of access to abutting property. Street does not include “alley”, but does include avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare unless otherwise specifically excluded by this Ordinance.

Street, Private - A right-of-way or easement used for vehicular, bicycle or pedestrian traffic which is privately owned and maintained.

Structure - Anything constructed or portable, the use of which requires a location on a parcel of land, including a movable structure, while it is located on the land and used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

Structure Height - The height of structures is determined per the appropriate provisions in *Section 6.070: Measurements*.

Substantial Improvement - Unless otherwise specified, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed valuation of the structure. The term exempts the following:

1. Any project to improve a structure to comply with existing state or local health, sanitary, or safety regulations that is necessary solely to assure safe living conditions.
2. Any alteration of a structure listed on the National Register of Historic Places.

Tourist Oriented Destination – A business that is a cultural, historical, recreational, educational, or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from visitors not residing in The Dalles.

Townhouse - See “Dwelling, Single Attached”.

Yard - An open space unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Exterior Side - A yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.

Yard, Rear - A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

Yard, Side - A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

Chapter 3**APPLICATION REVIEW PROCEDURES**

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Section 3.010**APPLICATION PROCEDURES**

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3.010.010 Purpose

This Section establishes the application requirements and procedures for applications for ministerial actions, planning actions, and legislative actions as described in *Section 3.020.020: Procedure Types* of this Chapter. The City of The Dalles requires building/use permits for all new construction, exterior modifications to existing structures, demolitions, and changes of use.

3.010.020 Coordination of Applications and Procedures

- A. Staff Coordination. The Director shall be responsible for coordinating applications and the decision-making procedures required by this Ordinance.
- B. Consolidation. The Applicant shall be provided with the opportunity to apply for all permits necessary for a development project at one time, in accordance with ORS 227.175 (2), “consolidated procedure”. The consolidated application shall be processed under the most stringent procedure required for any part of the development proposal. The consolidated application will be subject to the time limitations specified in this Section.
- C. Permits. No permit for a proposed use shall be issued until a final decision has been made approving or conditionally approving a completed application. The issuance of a permit shall conform with the regulations of this Ordinance and any conditions of approval.

3.010.030 Pre-Application Conference

Applicants for administrative, quasi-judicial, or legislative actions shall be required to participate in a pre-application conference with the Director prior to submitting an application. The purpose of the conference is to:

- A. Review for Consistency. Insure that the application is consistent with the substantive and procedural requirements of this Ordinance and the applicable elements of The Comprehensive Plan.
- B. Exchange Information. Provide for an exchange of information regarding all procedural matters relevant to the processing of the respective application and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

- C. Describe Applicant's Responsibilities. Provide a description of applicant's responsibilities and the type and level of information which will be required from the applicant to enable the reviewing authority to act on the request.

3.010.035 Pre-Application Requirements

Applicants participating in the pre-application process (referred to as site team review) shall provide all information required in the code for the type of land use review sought. 18 copies of the application and site plan are required.

3.010.040 Applications

Application for ministerial, planning, and legislative actions shall be made on forms provided by the Director, comply with all applicable sections of this Ordinance, and, where applicable, meet the following criteria:

- A. Acceptance. All applications shall be accepted by the Department during normal working hours, and date stamped on the day received in the Department office.
- B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per *Section 1.120: Fees* of this Ordinance. Complete applications shall be signed and dated by the Director.
- C. Commission or Council Initiated Actions. The Council or Commission may initiate a ministerial, planning, or legislative action by a duly adopted motion which designates the appropriate City department to complete and file the application. The City Manager may waive application fees for City projects on City-owned property or in the public right of way without resolution or other approval of the City Council.
- D. Resubmittal of Applications. Applications which are denied, or denied on appeal, shall not be eligible for Resubmittal for one year of date of denial, unless evidence is submitted which, in the opinion of the Director, demonstrates that conditions, the application, or the project design have changed to the extent that further consideration is warranted.
- E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant. Two copies of a complete application shall be submitted to the Department in order to initiate a planning action.

1. Complete applications shall include:

- a) The name and address of the applicant(s) and recorded land owner(s).
 - b) The County Assessor's property description--township, range, section, and tax lot(s).
 - c) All of the information required by this Ordinance for the specific action requested.
 - d) An application form completely filled out and signed by one or more of the property owners for which the action is being requested.
2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178 (2), "Final action on certain applications required within 120 days".
 3. Once an application has been accepted as complete, any revisions to the application proposed by the applicant shall be regarded as a new application, restarting the procedure in *Subsection (2)* above. New applications which result from revisions or modifications to applications previously considered complete may require additional filing fees per the provisions of *Section 1.120: Fees*.
- F. Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.
1. Complete applications shall include:
 - a. The name and address of the applicant(s), and, if applicable, the name and address of recorded land owner(s).
 - b. Where applicable, the County Tax Assessors property description--township, range, section, tax lot(s).

- c. A brief description of any applicable Comprehensive Plan policies, Statewide Planning Goals, Oregon Administrative Rules and Oregon Revised Statutes.
- d. Other information as specifically required by this Ordinance.
- e. Signature of applicant(s), and where applicable, signature of recorded land owner(s) or their authorized agent.

2. The provisions concerning application completeness in *Subsections (E)(2) and (E)(3)* above shall apply.

- G. Plans by Professionals Required. Unless waived by the Director, applications for non-residential structures shall include a site plan drawn by an architect, surveyor, engineer, or other professional person licensed by the State of Oregon to prepare plans.

Section 3.020**REVIEW PROCEDURES**

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3.020.010 Purpose

This Section describes the review procedures required to make final decisions regarding applications for ministerial actions, planning actions, and legislative actions, and to provide for appeals from aggrieved persons or parties.

The City of The Dalles does not have a State building code review function. This aspect of permitting is performed by the State of Oregon. However, the City of The Dalles requires City building/use permits for all new construction, exterior structural modifications to existing structures, demolitions, and changes of use.

A City supplemental building permit is valid for a period of six months, or so long as there is a valid and active State (BCA) building permit issued for the same work. If the State (BCA) building permit expires, so does the City supplemental permit. Once expired the City supplemental permit cannot be renewed. A new permit must be obtained, under the development rules at the time of the submittal of the new application.

3.020.020 Procedure Types

- A. Ministerial Actions. The Director shall have the authority to review and approve or deny ministerial actions. Ministerial actions are not land use decisions or limited land use decisions as defined by ORS 197.015 (10), (12), “Definitions for ORS chapters 195, 196 and 197”. Ministerial actions do not require public notice, public hearing, or decision notice. Ministerial actions are final decisions at the local level.

- B. Planning Actions. Administrative actions and quasi-judicial actions are both planning actions. Planning actions may be appealed per the provisions of *Section 3.020.080: Appeal Procedures* of this Chapter.
 1. **Administrative Actions.** The Director shall have the authority to review and approve, approve with conditions, or deny applications subject to processing as administrative actions. Decisions on administrative actions shall be based on the applicable clear and objective standards contained in this Ordinance. The Director shall provide notice of application to adjacent and nearby landowners, provide for the opportunity for written comment prior to final decision, and provide decision notice to applicant and all parties of record per the provisions of *Section 3.020.040: Administrative Actions* of this Chapter, and in accordance with ORS 197.195, “Limited land use decisions; procedures”.

2. **Quasi-Judicial Actions.** The Commission and Council shall each have the authority to review and approve, approve with conditions, or deny applications subject to processing as quasi-judicial planning actions. All quasi-judicial actions shall be reviewed through the public hearing process described in *Section 3.020.070: Public Hearings* of this Chapter, and in accordance with ORS 197.763, “Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures”.
- C. Legislative Actions. Legislative actions are typically those which involve the implementation of land use policy, and include, but are not limited to the decision types specified in *Section 3.020.060: Legislative Actions*. The Planning Commission, and where appropriate, the Historic Landmarks Commission, shall review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council shall make a final decision per the provisions of *Section 3.020.060: Legislative Actions*. Legislative actions may be appealed to the State Land Use Board of Appeals, subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.
- D. Expiration and Extension.
1. Expiration. Except for City building permits, which are discussed in Section 3.020.010, development must begin within one year of the Notice of Decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required.
 2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department one (1) week prior to the expiration date. The provisions of LUDO Section 3.030.070 B. shall apply to all requests for extensions.

3.020.030 Ministerial Actions

- A. Option to Process as Administrative Action. At the discretion of the Director, a ministerial action may be processed as an administrative, per

the provisions of Section 3.020.040: Administrative Actions of this Chapter.

- B. Decision Types. Ministerial actions include, but are not limited to, the following:
1. Land uses permitted outright in any zone district, except those land uses which require in depth review, including, but not limited to Site Plan Review.
 2. Neighborhood Compatibility Review (*Section 3.040*) of land uses permitted outright in the appropriate zone districts, except those land uses which require in depth review, including, but not limited to Site Plan Review.
 3. Sign permits (*Chapter 13*).
 4. Review of environmental and hazard maps.
 5. Lot Line Adjustments (*Section 9.030.070*).
 6. Minor amendments to subdivisions and partitions.
 7. Final subdivision approval (*Section 9.040.060*).
 8. Final partition approval (*Section 9.030.050*).
 9. Physical Constraints Permit (Chapter 8).
 10. Proposed Change of Use (*Section 6.150.020*).
 11. LUDO Review of Building Permit Application.
- C. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of accepting the application unless the time limit is extended with the consent of the applicant.
- D. Final Decision. The approval or denial of a ministerial action shall be the City's final decision.

3.020.040 Administrative Actions

- A. Option to Process as Quasi-judicial Action. At the discretion of the Director, or at the request the Commission, the applicant, or party(ies) of record who address legitimate criteria, an administrative action may

be processed as a quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions* of this Chapter.

B. Decision Types. Administrative actions include, but are not limited to, the following:

1. Site Plan Review (*Section 3.030*).
2. Neighborhood Compatibility Review (*Section 3.040*).
3. Administrative Conditional Use Permit (*Section 3.060*).
4. Adjustments (*Section 3.080*).
5. Partition (*Section 9.030*).
6. Subdivisions (*Section 9.040*).
7. Manufactured Dwelling Parks (*Chapter 11*).
8. Extensions of time limits for approved planning actions.
9. Home Business Permits (*Section 6.020*).

C. Notice of Application.

1. Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:

- a) 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.
- b) Any affected governmental agency, department, or public district within whose boundaries the subject property lies.

2. The notice provided by the Department shall:

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

- b) Set forth the street address or other easily understood geographical reference to the subject property.
- c) Provide a 14 day comment period, from the day notice mailed, for submission of written comments prior to the decision.
- d) 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.
- e) List by commonly used citation the applicable criteria for the decision.
- f) State the place, date, and time that comments are due.
- g) State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- h) Include the name and telephone number of the Director to contact for additional information.

3. 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.

- D. 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.
- E. Staff Report. Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report that includes:
 - 1. An explanation of the criteria and standards considered relevant to the decision.
 - 2. A statement of basic facts relied upon in rendering the decision.
 - 3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of an administrative action shall be the City's final decision.
- G. Notice of Decision. Decision notice shall be provided to the applicant, the Commission, and any party of record. The decision notice shall include:

1. A brief summary of the decision and the decision making process.
 2. An explanation of appeal rights and requirements.
- H. 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.
- I. Appeal. Administrative actions may be appealed to the Commission, per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the effective date of decision. A Commission decision on appeal may be further appealed to the Council per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the effective date of the Commission's appeal decision.

3.020.050 Quasi-Judicial Actions

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
1. Site Plan Review (*Section 3.030*).
 2. Neighborhood Compatibility Review (*Section 3.040*).
 3. Conditional Use Permits (*Section 3.050*).
 4. Variances (*Section 3.070*).
 5. Non-Conforming Uses (*Section 3.090*).
 6. Home Business Permits (*Section 6.020*).
 7. Subdivisions (*Section 9.040*).
 8. Zone Changes (*Section 3.100*).
 9. Recreational Vehicle Parks (*Chapter 12*).
 10. Any public hearing of an administrative action at the request of the Commission, the Director, or the applicant, or parties of record raising legitimate criteria.
- B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report

may also include a recommendation for approval, approval with conditions, or denial.

C. Public Hearings.

1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.
2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in *Section 3.020.070: Public Hearings*.
3. Unless otherwise ordered by the hearings body, the Director shall take complete applications for quasi-judicial actions in the order in which they are filed.
4. The hearings body shall hold at least one public hearing on a complete application.
5. The burden of proof is placed on the applicant seeking a planning action.
6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
7. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:

1. The applicant and owners of property within 300 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 whose boundaries include the subject property.
3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.
4. The notice provided by the Department shall:

- a) Explain the nature of the application and the proposed use or uses which could be authorized.
 - b) Set forth the street address or other easily understood geographical reference to the subject property.
 - c) 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 LUBA on that issue.
 - d) List by commonly used citation the applicable criteria for the decision.
 - e) State the place, date, and time of the hearing.
 - f) State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 - g) State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least seven days prior to the hearing.
 - h) Include the name and telephone number of the Director to contact for additional information.
 - i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
5. 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.
- E. Decision on Quasi-Judicial Actions. The decision of the hearings body shall be adopted by resolution, signed by the presiding officer, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria and standards considered relevant to the decision.
 2. A statement of basic facts relied upon in rendering the decision.
 3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of a quasi-judicial action shall be the City's final decision.

- G. Notice of Decision. Decision notice shall be mailed to the applicant and all participating parties within five working days of the date of the signed resolution. The decision notice shall include the following:
1. The date of decision.
 2. A brief description of the action taken.
 3. The place where, and time when decision may be reviewed.
 4. An explanation of appeal rights and requirements.
- H. Effective Date of Decision. A final decision on quasi-judicial actions is effective on the date notice of the decision is mailed to the applicant and parties of record.
- I. Appeal.
1. Commission decisions on quasi-judicial actions may be appealed to the Council, per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the date notice of decision is mailed to the applicant and all participating parties.
 2. Council decisions on quasi-judicial actions may be appealed to LUBA subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”, within 21 days of the date notice of decision is mailed to the applicant and all participating parties.

3.020.060 Legislative Actions

- A. Decision Types. Legislative actions include, but are not limited to, the following:
1. Zone Changes (*Section 3.100*).
 2. Ordinance Amendments (*Section 3.110*).
 3. Comprehensive Plan Map Amendments.
 4. Amendments to The Comprehensive Plan.
 5. Urban Growth Boundary Amendments.

6. Annexations.

B. Public Hearings.

1. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.
2. The Council shall hold a legislative hearing on applications for legislative actions within 30 days of the date of the Planning Commission or, where appropriate, the Historic Landmarks Commission resolution recommending approval, conditional approval, or denial of the request.
3. Legislative hearings shall be conducted per the procedures of *Section 3.020.070: Public Hearings.*
4. Unless otherwise ordered by the Commission or Council, the Director shall take completed applications for legislative actions in the order in which they are filed.
5. The burden of proof is placed on the applicant seeking a legislative action.
6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.

C. Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:

1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
2. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application.
3. Set forth the geographical reference to the subject area.

4. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question.
 5. Include the name and telephone number of the Director to contact for additional information.
- D. Decision on Legislative Actions. The Council's decision shall be an ordinance adopted by majority vote, signed by the Mayor, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision.
 2. A statement of basic facts relied upon in rendering the decision.
 3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.
- E. Final Decision. The Council's decision on legislative actions shall be the City's final decision.
- F. Notice of Decision. Decision notice shall be mailed to all participating parties within five working days of the date of the ordinance is adopted by the Council and signed by the Mayor. The decision notice shall include the following:
1. The date of decision.
 2. A brief description of the action taken.
 3. The place where, and time when the decision may be reviewed.
 4. An explanation of appeal rights and requirements.
- G. Effective Date of Decision. A final decision on legislative actions shall be effective 30 days after the day the ordinance is adopted by the Council and signed by the Mayor, unless the decision is adopted as an emergency ordinance, in which case the decision may take effect as soon as adopted.
- H. Appeal. Decisions on legislative actions may be appealed to the Land Use Board of Appeals, subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs;

publication of orders; mediation”, within 21 days of the date notice of decision is mailed to participating parties.

3.020.070 Public Hearings.

- A. Quasi-Judicial Hearing Procedure. All quasi-judicial hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, “Public Meetings”.
1. Opening Statement. At the commencement of a quasi-judicial hearing a statement shall be made to those in attendance that:
 - a) Lists the applicable substantive criteria.
 - b) States that evidence and testimony must be directed toward the listed applicable substantive criteria, or other criteria in the Comprehensive Plan or this Ordinance which the person believes to apply to the decision.
 - c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to LUBA based on that issue.
 - d) States that failure to participate in the public hearing, either orally or in writing, precludes appeal to LUBA.
 - e) Includes other general rules of conduct for the public hearing as deemed necessary by the hearings body.
 2. Ex-parte, Conflict of Interest, and Bias.
 - a) After the Opening Statement required by *Subsection (A)(1)* above has been read, members of the hearings body shall declare any actual or potential conflicts of interest, any ex parte contacts, including the substance of those contacts and any conclusions the member reached because of those contacts, and any bias.
 - b) No member shall serve on any proceeding in which such member has an actual conflict of interest; in which the member, or those persons or businesses described in ORS 244.135, “Method of handling conflicts by planning commission members”, has a direct or substantial financial interest; or in which the member has a bias.
 - c) If the member refuses to disqualify him or herself for conflict of interest, ex parte contact, or bias, the hearings body shall have the power to remove such member, by majority vote of those present, for that proceeding.

- d) The public may challenge any member of the hearings body on conflict of interest, ex parte contact, or bias for any public hearing. The challenge must be supported by evidence and made before the hearing begins. All parties shall be advised that they have the right to rebut such challenges.
3. Staff Report. A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
4. Testimony and Evidence.
- a) All testimony and evidence must be based on the criteria contained in this Ordinance or The Comprehensive Plan which the person believes applies to the final decision.
 - b) The failure to raise an issue precludes appeal to LUBA on that issue.
 - c) Oral and written testimony shall be taken first from the applicant, then from proponents of the action, followed by testimony from opponents, and finally from other interested parties. Proponents will then have an opportunity for rebuttal.
 - d) Members of the hearings body may ask questions of staff, proponents, opponents, and other interested parties at any time.
 - e) Each person's testimony may be limited to five minutes or less.
 - f) Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes and emails will only be accepted if sent to the location specified by the Community Development Department. All comments must include the name and address of the person making the comment. Comments will not be accepted if either the name or the address is missing. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are presented for a Planning Commission hearing and 10 copies for a hearing before the City Council. Comments must be at least equal in size to ten point type. Comments received at least five working days prior to the hearing shall be distributed to the hearing body prior to the hearing. Comments received by 5 p.m. on the day of the hearing shall be presented to the hearing body at the time of the hearing. Written and verbal comments may also be presented in person at the hearing.

5. Continuance. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant such request by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763 “Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures”.
 6. Final Decision. The hearing body’s final decision shall be based on adequate findings of fact presented during the hearing. A majority of those members present must vote affirmatively on a motion for a decision in order to adopt findings. If a finding is challenged by a Commissioner, a vote may be taken on the finding singly, apart from the motion.
- B. Legislative Hearing Procedure. The Historic Landmarks Commission, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, “Public Meetings”.
1. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

3.020.080 Appeal Procedures.

The following procedures apply to the appeals of final decisions on administrative planning actions made by the Director, and final decisions on quasi-judicial planning actions made by either the Historic Landmarks Commission or the Planning Commission. Final decisions on legislative actions, final decisions on quasi-judicial planning actions made by the Council, and appeal decisions made by the Council may all be appealed to the State Land Use Board of Appeals (LUBA), subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.

- A. De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for

evidence, arguments or testimony to be presented on issues not raised in the appeal notice.

- B. Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this Section:
1. Any party of record to the particular action.
 2. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
 3. The Historic Landmarks Commission, the Planning Commission, or the Council by majority vote. No fee is required for an appeal under this section.
 4. The City Manager. No fee is required for an appeal under this section.
- C. Filing Appeals.
1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.
 2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of the mailing of the notice of decision. (See *Section 1.110: Computation of Time* for an explanation of how days are counted).
 3. Notices of Appeal shall not be received by facsimile machines.
- D. Notice of Appeal. Every notice of appeal shall include:
1. Appellants name and address, and a statement describing how the appellant qualifies as a party.
 2. The date and a brief description of the decision being appealed.
 3. The specific grounds why the decision should be reversed or modified, based on the applicable criteria or procedural error.
 4. The standard appeal fee.

E. Jurisdictional Defects.

1. Any notice of appeal which is filed after the deadline set forth in *Subsection (C)(2)* above, or which is not accompanied by the required fee set forth in *Subsection (D)(4)* above, shall not be accepted for filing.
2. The failure to comply with any other provision of *Subsections (C)* or *(D)* shall constitute a jurisdictional defect. A jurisdictional defect means the appeal is invalid and no appeal hearing will be held. Determination of a jurisdictional defect shall be made by the Director, with the advice of the City Attorney, after the expiration of the 10 day appeal period described in *Subsection (C)(2)* above. The Director's determination may be subject to appeal to the State Land Use Board of Appeals (LUBA).

F. Consolidation of Appeals.

1. If more than one party files a notice of appeal on a planning action decision, the appeals shall be consolidated, and noticed and heard as one proceeding.
2. To the extent the Department's anticipated costs are more than covered by multiple appeals fees received when multiple appeals are filed, the Director may authorize a refund of a portion of the appeal fees to the appellants in an equitable manner.

G. Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

H. Decision of Appeal.

1. The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record.
3. A Notice of Appeal Decision shall be sent to all parties participating in the appeal.

I. Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager's recommendation shall be submitted for action on the City Council's consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.

Section 3.030

SITE PLAN REVIEW

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3.030.010 Purpose

The purpose of the Site Plan Review is to enable the Approving Authority to review development proposals for compliance with City Ordinances, local standards, conformance with the Comprehensive Plan and compatibility with surrounding development, and to add any conditions of approval necessary to ensure such compliance, conformance and compatibility.

3.030.020 Review Procedures

- A. Process. Detailed site plan, construction/design and landscape plans, where required, are a necessary condition of approval and must be received and approved by the Director and the City Engineer before a building permit will be signed.
- B. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, Site Plan Review applications shall be accompanied by at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in *Section 3.030.030: Required Plans*. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard-copies.
- C. Review. Site Plan Review shall be processed as an administrative action per the provisions of *Section 3.020.040: Administrative Actions*, and approved, approved with conditions, or denied by the approving authority.
- D. Public Works Requirements. City Engineer approval of construction/design plans shall always be a condition of site plan approval when public infrastructure, improvements, or rights of way are located either within or on the border of a proposed development site. A requirement of approval shall include a completed Wastewater Survey Questionnaire.
- E. Detailed Landscape Plans. Approval by the approving authority of detailed landscape plans will always be a condition of plan approval when landscaping is required by this Ordinance for a development proposal.
- F. Site Plan and Detailed Landscape Plan Amendments. Approved site plans and detailed landscape plans shall be amended through the same procedures as in the initial approval. However, minor alterations or modifications to a previously approved site plan may be approved by the approving authority if, in the approving authority's opinion, the proposed modifications or alterations do not represent deviations of a

substantial nature.

- G. Detailed Construction/Design Plan Amendments. Approved detailed construction/design plans shall be amended through the same procedures as in the initial approval. However, minor alterations or modifications to previously approved detailed construction/design plans may be approved by the City Engineer if, in the Engineer's opinion, the proposed modifications or alterations do not represent deviations of a substantial nature.
- H. Traffic System Impacts. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide a traffic impact study or traffic counts to demonstrate the level of impact of the proposed development on the surrounding street system. The determination of impact or effect, and the scope of the impact study, shall be coordinated with the provider of the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project.
- I. Building Permit Applications. After an application for a Planned Development, Subdivision, or Partition has been submitted, no building permit will be issued for that property until all required construction drawings, including roadway improvements and utility installations have been approved by the City; provided that the Planning Director and City Engineer may grant an exception to this requirement when issuance of a building permit will not jeopardize or significantly interfere with the City's ability to ensure the property receives all necessary public improvements.
- J. Final Inspection Procedure. *See Section 10.090: Final Inspection Procedure.*

3.030.030 Required Plans

- A. Site Plan. The site plan shall clearly indicate all of the following information applicable to the particular development proposal:
 1. Project name.
 2. A separate vicinity map indicating location of the proposed development.
 3. Scale. The scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director.
 4. North arrow.
 5. Date.

6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.
7. Lot layout with dimensions for all lot lines.
8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed
9. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.
10. Location and dimensions of all driveways and bicycle and vehicle parking areas.
11. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.
12. Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: a) based upon the street classification of the adjacent street, determine the maximum distance specified in Section 6.050, Table 1; b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; c) repeat for all streets adjacent to the site.
13. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.
14. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.
15. General nature and location of all exterior lighting.
16. Outdoor storage and activities where permitted, and height and type of screening.
17. Drainage and grading plan.
18. Location, size, height, material and method of illumination of existing and proposed signs.

19. Location of existing utilities, easements, and rights of way.
20. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.
21. Location of existing fire hydrants.
22. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.
23. Any additional information required by the Director to act on the application.

B. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:

1. Project name.
2. Scale. The scale shall be at least one inch equals 50 feet (1:50) or larger.
3. North arrow.
4. Date.
5. Location and initial sizes of plants and tree species, and other proposed landscape material.
6. Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

C. Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

1. All information required for the site plan.
2. Location of existing rights-of-way.
3. Existing streets, sidewalks, curbs and utilities.
4. Existing and proposed street trees.

5. Parking lot striping and pavement cross section.
6. Perimeter curb location and details.
7. Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, inlets/catch basins, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).
8. Location and details of cross connection control devices.
9. Fence and gate locations and details.
10. Street and parking lot lighting locations and details.
11. Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of storm water onto sidewalks, public rights-of-way and abutting private property.
12. Erosion control plan and/or traffic control plan as required by the City Engineer.
13. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way.
14. City Engineer and all other required state and federal approvals for extensions.

3.030.040 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the site plan:

- A. City Ordinance Provisions. All the provisions from the applicable City ordinances have been met or will be met by the proposed development.
- B. Public Facilities Capacity. Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be

provided to, and where applicable, through, the subject property in order to: 1) meet connectivity standards per the Transportation System Plan and other documents, and ; 2) provide for future development of surrounding property.

- C. Arrangement of Site Elements. Elements of the site plan are arranged to:
1. Promote pedestrian, bicycle, and vehicular safety and welfare.
 2. Preserve and maintain public amenities and significant natural features.
 3. Avoid traffic congestion.
 4. Minimize potential adverse impacts on surrounding properties.
- D. Lighting. Proposed lighting shall not directly illuminate adjoining properties.
- E. City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer prior to granting a building permit as a condition of Site Plan Review approval.
- F. Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of *Section 6.110: Waiver of Right to Remonstrate* of this Ordinance.
- G. Deferring Approval. For all land use actions, when another public entity has primary subject matter jurisdiction, the City may defer development approval for those subjects to the entity with the jurisdiction.

3.030.050 Performance Guarantee

Where the applicant wishes to delay making required public improvements for a specified time period agreed to by the approving authority, the applicant shall file an agreement to insure full and faithful performance on making those required public improvements, including a private street per the provisions of *Section 9.040.060(I): Performance Guarantee* of this Ordinance.

3.030.060 Approval

The approved site plan, with any conditions, shall be dated and signed by the Director. One copy of the site plan, including any conditions, shall be mailed to the applicant.

3.030.070 Time Limits and Extensions

- A. Time Limits. The duration of the Site Plan Review approval shall be one year from the date of final approval. Construction must be commenced and diligently pursued toward completion within the one year period or the site plan approval shall expire, and a new application required.
- B. Extensions.
1. Applicants may request an extension of up to twelve months on the time limit of an approved site plan. Requests for extensions shall be processed as ministerial actions, per the provisions of *Section 3.010.030: Ministerial Actions* of this Chapter, and shall be submitted to the Director in writing not less than one month prior to the expiration of site plan approval. The request shall state the reason(s) why the extension should be granted.
 2. The Director may grant the requested extension if it is determined that conditions for which the applicant is not responsible have prevented the applicant from commencing construction within the original time frame.
- C. Long Term and Ongoing Projects. In cases where a proposed project is expected to be completed over a period of years, a specific schedule for completion of project phases may be a condition of approval.

3.030.080 Appeals

Final decisions on Site Plan Review applications may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.030.090 Invalidation of Site Plan Approval

Site plan approval shall become invalid, and a new Site Plan Review shall become necessary, if either of the following occur:

- A. Use Changes. There is a substantial change in the type of use which requires additional parking, landscaping, screening, or public improvements.
- B. Project Size. There is a substantial change in the size of the project, including additions or demolitions, which affects the requirements for parking, landscaping, or public improvements.

3.030.100 Revocation

The Director may institute a proceeding to revoke an approved Site Plan Review application, per the provisions of *Chapter 15: Enforcement* of this Ordinance, when reasonable grounds exist that one of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.
- C. Erroneous Information. Approval was given on the basis of erroneous or misleading information or intentional misrepresentation.

If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period, then revocation procedures may be stayed.

Section 3.040**NEIGHBORHOOD COMPATIBILITY REVIEW**

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3.040.010 Purpose

Neighborhood Compatibility Review addresses the issues of compatibility with overall neighborhood character in terms of the design of buildings, their size, massing, and architectural features. The purpose of Neighborhood Compatibility Review is to minimize the impacts of new development, and the impacts of additions or modifications to existing development, on the surrounding established neighborhood(s) by insuring, to the greatest extent possible, that the design and placement of new development, additions, or modifications are compatible with the surrounding established neighborhood(s).

New construction, additions, or modifications to buildings and structures in designated local or national historic districts are subject to the review of The Dalles Historic Landmarks Commission, and exempt from the provisions of this Section.

3.040.020 Definitions

The following definitions shall apply for the purposes of this Section:

- A. Neighborhood Area. The Neighborhood Area shall include all lots of record within a 300 foot wide buffer surrounding the subject property on all sides. Where a zone district boundary is closer to the subject property than 300 feet, the zone district boundary shall be the edge of the Neighborhood Area buffer. A lot of record is considered within the Neighborhood Area if any part of the lot falls within the buffer boundary line.
- B. Established Neighborhood. A neighborhood area shall be considered established when at least 65% of the platted lots are developed with existing buildings, structures, or parking facilities.

3.040.030 Applicability

Neighborhood Compatibility Review is required for all applications for new infill construction, or additions and modifications to existing buildings, in established neighborhoods (as defined in *Subsection (B)* above) in the RL - Low Density Residential, RH - High Density Residential, and NC - Neighborhood Center Overlay zone districts, with the following exceptions:

- A. Planned Developments and Subdivisions greater than 10 lots, where the developer constructs or sites the buildings.
- B. Designated local and national historic districts.

3.040.040 Review Procedure

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, the applicant shall submit the following where applicable:
1. Plans indicating building orientation, garage/carport location, front porch details, exterior building elevations and details, building finish materials, parking location, location and description of fences and walls, parking lot landscaping, and pedestrian/bicycle circulation.
 2. Photographs of the surrounding buildings shall also be submitted to provide context for the proposal.
- B. Review. The Director, or where applicable the Commission, shall review development applications for compliance with the standards of this Section. This review shall be processed as either a ministerial or planning action.
1. Ministerial Actions. Where the normal application review for new construction, additions, or modifications is processed as a ministerial action, the Neighborhood Compatibility Review shall also be a ministerial action, and processed per the provisions of *Section 3.020.030: Ministerial Actions*.
 2. Planning Actions. Neighborhood Compatibility Review involving proposals for new construction or additions to buildings which are conditionally permitted or would otherwise normally require Site Plan Review shall be either administrative or quasi-judicial decisions depending on the level of application review, and processed accordingly per the appropriate provisions of *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions*.

3.040.050 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the Neighborhood Compatibility Review:

- A. City Ordinance Requirements. The development proposal conforms with, or can be made to conform with through added conditions, any related requirements of this and other City Ordinances.
- B. Design Standards - All Development.

1. **Scale.** Buildings with walls greater than 80 feet in length shall include street facades that are varied and articulated at regular 20, 30, 40 or 50 foot intervals along the facade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.
2. **Parking Location.** With the exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.
3. **Yards.** Front and side yards that abut the street shall be visually open to the street.
4. **Fences/Walls.** Fences and walls in front yards and corner side yards shall be no more than 4 feet in height.
5. **Parking Lot Landscaping.** Where more than four contiguous surface parking spaces are provided, the requirements of *Subsection 7.030.040(B): Landscaping and Screening Along a Public Right-of-Way* shall apply.
6. **Pedestrian/Bicycle Circulation.** Developments more than two acres in size shall include a pedestrian and bicycle circulation plan for the site.
7. **Building Orientation.** New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.
8. **Garage/Carport Location.** New garage/carport setbacks shall be similar to the existing garage/carport setbacks on the block (both sides of the street) where the development is proposed, subject to the following standards:
 - a. When more than 50% of the existing garage/carport entrances on the subject block are either even with the front building line, or between the front building line and the street, the proposed garage/carport entrance may be even with or in front of the front building line, but no closer to the front property line than 20 feet.

- b. When more than 50% of the existing garage/carport entrances on the subject block are set back behind the front facade of the house, the proposed garage/carport entrance shall be set back at least 5 feet behind the front building line.
 - c. For single family and duplex uses, three car garages/carports or combinations of garage and carport are permitted only when the third garage door or carport entrance is setback from the wall plane of the main garage or carport entrance by at least 2 feet.
 - d. A Conditional Use Permit shall be required for garages/carports larger than a three 3 car size in the R-L Low Density Residential zone district.

- 9. Front Porches. When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.

- 10. Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.

- C. Design Standards - Residential. In addition to the design standards for all development, the following standards shall apply to the different types of residential development:
 - 1. Two Family and Three Family Structures, and Attached Single Family Structures (2 units) shall be designed and constructed to have the appearance of a single house.

 - 2. Town Houses (3-5 or 3-8 attached units) may be required to combine roof lines and front porches, rather than having separate roof pitches and front porches for each unit, in order to be more in character with the surrounding existing neighborhood.

 - 3. Multi-Family Dwellings (greater than 3 units) shall:
 - a. Have a roof pitch greater than 4 feet of rise for every twelve feet of width (4:12).
 - b. Have stairways to upper floors which are adequately lighted, and protected from wind, rain, sun, and snow, and not openly visible from the street.

- c. Locate any garages or carports at least 10 feet behind the front building line.
- d. Be encouraged to incorporate usable covered front porch space into the project design.

3.040.060 Approval

The approved Neighborhood Compatibility Review, with any conditions, shall be dated and signed by the Director. One copy of the approved Review, including any conditions, shall be mailed to the applicant.

3.040.070 Time Limits and Extensions

Time limits and extensions shall be the same as those for Site Plan Review in *Section 3.030.070: Time Limits and Extensions*, except that they shall apply to Neighborhood Compatibility Review.

3.040.080 Appeals

1. Final decisions on Neighborhood Compatibility Reviews processed as ministerial actions shall not be appealable.
2. Final decisions on Neighborhood Compatibility Reviews processed as planning actions may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.040.090 Invalidation of Approval

Invalidation of approval shall be the same as that for Site Plan Review in *Section 3.030.070: Time Limits and Extensions*, except that it shall apply to Neighborhood Compatibility Review.

3.040.100 Revocation

Revocation shall be the same as that for Site Plan Review in *Section 3.030.100: Revocation*, except that it shall apply to Neighborhood Compatibility Review.

Section 3.050**CONDITIONAL USE PERMITS**

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3.050.010 Purpose

Certain uses are allowed in certain zones only conditionally. As a conditional use they are subject to specific regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow conditional uses when they serve a public good or meet a need, and to ensure that negative impacts from the use are mitigated. A conditional use permit except as allowed in Section 5.100.040, does not by itself cause a change in any zoning or development standards; changes to development standards for a conditional use must go through the appropriate processes, such as a variance or adjustment, as outlined elsewhere in this document.

Applicants for conditional uses may choose a two stage process. First submit an application based on concept approval through the quasi-judicial conditional use process in this section and then detailed site plans.

3.050.020 Pre-Existing Uses

Pre-existing uses which after the enactment of this Ordinance would be allowed only as conditional uses shall be required to obtain an approved Conditional Use Permit when an increase of 10 % or greater is proposed for parking areas, combined square footage of structures, or total building foot print(s) of the pre-existing conditional use. Any change to a pre-existing use which would require new conditional use review shall be processed as a new Conditional Use Permit application in accordance with the provisions of this Section. A pre-existing use that applies for a Conditional Use Permit and is denied retains its status as a pre-existing use. Expansions of City facilities which have been approved by the City Council after any public hearing are exempt from the requirements of this *Section*.

3.050.030 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, Conditional Use Permit applications shall be accompanied by at least 15 copies of a concept site plan, and, when required, two copies of the detailed landscape and construction/design plans, per the provisions of *Section 3.030: Site Plan Review*.
- B. Review.

1. Conditional Use Permits shall be processed as quasi-judicial actions, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*, and approved or denied by the Commission.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of *Section 3.030: Site Plan Review*, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Commission in lieu of the detailed site plan required for building permit approval. See Section C. below.
3. The Commission may require a performance guarantee, per the provisions of *Subsection 9.040.060(I): Performance Guarantee*, to ensure compliance with any conditions of approval.

C. Concept Review.

1. The City offers a two stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.
2. Applicants choosing the concept option must provide sufficient information in the form of site plans, narratives, or other documents to allow the Commission to make an initial decision.
3. The Commission may impose conditions or require performance guarantees on concept approval in the same manner as for regular conditional use applications.

3.050.040 Review Criteria

A conditional use permit shall be granted if the Commission finds that the proposed use conforms with, or can be made to conform with through added conditions, any related requirements of this and other City Ordinances and all of the following criteria:

- A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.
- B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed

use will also be consistent with the purposes of this ordinance, and any other statutes, ordinances, or policies that may be applicable.

- C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.
1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.
 2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)
 3. Dust and other particulate matter shall be confined to the subject property.
 4. The following odors shall be completely confined to subject property:
 - a. industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
 - b. fuels, and
 - c. fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.
 5. Vibrations shall not be felt across the property line.
 6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are not limited to:
 - a. Street designations and capacities; and
 - b. On-street parking impacts.
 7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)

3.050.050 Zone Specific Review Criteria

Certain conditional uses in certain zones require specific conditions to guard against impacts that, in addition to those in the previous section, may adversely affect the health, welfare, safety, privacy, and/or neighborhood character of the surrounding persons and property.

Uses in RL-Low Density Residential District zone: The RL zone is the most restrictive of the residential zones, focusing primarily on single-family residences on the majority of lots. To preserve the residential character of this zone, the size, location, and other characteristics of certain conditional uses in this zone shall be regulated.

The majority of existing conforming structures in the RL zone is substantially below the maximum allowable limits for building height, lot coverage, and front and/or rear yard setbacks. It would therefore be possible for the structure of a conditional use to adhere to the zoning standards for the RL zone, but still appear out-of-character with the existing residential uses, resulting in negative impacts on the visual continuity and aesthetics of the neighborhood.

- A. Floor Area Ratio. Certain uses may not have a Floor-Area Ratio (FAR) greater than ten percent (10%) over the greatest FAR for any structure within the Neighborhood Area, as defined in *Section 3.040.020.A – Neighborhood Area*.

Floor area for subterranean basements shall not be included in the FAR calculation. Floor area for daylight/walkout basements shall be included in the FAR calculation. For the purposes of this section, “daylight/walkout basement” shall be defined as a partially-subterranean living area that : is built into a sloping site; has at least one full-height (6’8”) exterior passage door, that leads out to the ground level without more than one step; and has a minimum interior ceiling height of 7’0”.

- B. Uses. Uses allowed conditionally in the RL zone shall meet the landscaping requirement of chapter 6 for the CG zone.
- C. Conditional Uses. The standards shall apply to the following Conditional Uses in the RL zone:
1. Child Care Centers;
 2. Funeral and Interment Services (interring and cemeteries only); and
 3. Community Facilities.

- D. Operations. Business hours for commercial and industrial uses in residentially zoned neighborhoods shall be limited to 7:00 a.m to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

3.050.060 Conditions

The Commission may approve a conditional use permit subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use.

3.050.070 Time Limits and Extensions

Conditional Use Permits shall be valid for one year from the date granted by the Commission. If construction is commenced within this one-year period and is being pursued diligently toward completion, the Conditional Use Permit shall stay in full force for an additional year. In the case of unavoidable delay or an extensive construction schedule, the Commission may extend the time limit for completion of the project. At such time an extension is granted, the Commission may require a performance guarantee, per the provisions of *Subsection 9.050.060(I): Performance Guarantee*, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period.

3.050.080 Appeals

Final decisions on Conditional Use Permits may be appealed in accordance with the provisions of *Section 3.020.080: Appeal Procedures* of this Ordinance.

3.050.090 Revocation

The Director may institute a proceeding before the Commission to revoke an approved Conditional Use Permit, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.

- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request that a Notice of Violation be sent pursuant to Chapter 15: Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the Notice of Violation, then revocation procedures may be stayed. If not, then the Director may schedule a hearing before the Commission using the same notice requirements and process as for an original Conditional Use Application.

3.050.100 Minor Modifications to Approved Conditional Uses

- A. Threshold. An application for a Minor Modification of a Conditional Use shall be required when the following thresholds apply:
An increase in the gross floor area of conditional use up to and including 10% and less than 1,000 square feet of floor area for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.
- B. Approval. Approval for a Minor Modification is made by the Director.
- C. Approval Criteria. In order to approve a Minor Modification, the Director shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Minor Modification.
 2. All City application fees have been submitted.
 3. The proposal complies with conditions of an applicable conditional use approval.
- D. Conditions of Approval. The Director may approve a Minor Modification subject to any and all conditions the Director deems necessary to satisfy the review criteria and mitigate identified impacts.

3.050.110 Major Modifications to Approved Conditional Uses

- A. Threshold. An application for a Major Modification of a Conditional Use shall be required when one or more of the following thresholds apply:
1. Any increase in the gross floor area on properties located in a residential zoning district or within 50 feet of a residential zoning district.
 2. An increase in the gross floor area by more than 10% or in excess of 1,000 square feet for properties not located in a residential zoning district and which are located more than 50 feet from a residential zoning district.
 3. A change in use.
- B. Approval. Approval of a Major Modification is by the Commission.
- C. Approval Criteria. To approve a Major Modification, the Commission shall consider the application the same as a new conditional use permit request.
- D. Conditions of Approval. The Commission may approve a Major Modification subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts.

Section 3.060

ADMINISTRATIVE CONDITIONAL USE PERMITS

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3.060.010 Purpose

The purpose of an Administrative Conditional Use Permit is to conditionally allow the alteration, modification, or expansion of the exterior of a structure or parking area of a previously approved conditional use. Conditions of approval may be imposed to ensure that any such exterior changes to a site previously approved for a conditional use are reasonably compatible with the types of uses permitted outright in surrounding areas.

3.060.020 Review Procedures

- A. Applications. Application requirements shall be the same as those specified for Conditional Use Permits, Subsection *3.050.030(A): Applications*.
- B. Review.
 1. Administrative Conditional Use Permits shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*, and approved or denied by the Director.
 2. Concept site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of *Section 3.030: Site Plan Review*, shall always be a condition of administrative conditional use approval.
 3. The Director may require a performance guarantee, per the provisions of *Subsection 9.050.060(I): Performance Guarantee*, to ensure that conditions of approval are, or will be complied with.

3.060.030 Review Criteria

An administrative conditional use permit shall be granted if the Director finds that the proposed changes to the previously approved conditional use conform with, or can reasonably be made to conform with through added conditions, any related requirements of this and other City Ordinances and all of the following criteria:

- A. Approved Conditional Use. The previously approved conditional use shall remain the same.

- B. Standards. The proposed changes to the approved conditional use shall meet all standards of the zone district where the use is proposed to be located.
- C. Expansion.
 - 1. Structures: The proposed alteration, modification, or expansion shall not exceed the lesser of 2500 square feet or 10 per cent of the existing structure.
 - 2. Parking: The proposed alteration, modification, or expansion shall not exceed 10 percent of the existing parking area.
- D. Impact. Any proposed changes to the existing structure or parking area of the previously approved conditional use shall not adversely affect the use's compatibility with, or impact on, the legal development of abutting properties and the surrounding neighborhood.
- E. Nuisance. The proposed changes to the use shall not generate nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

3.060.040 Conditions

The Director may approve an administrative conditional use permit subject to any reasonable conditions deemed necessary to satisfy the review criteria.

3.060.050 Time Limits and Extensions

The Time Limit and Extension provisions shall be the same as those specified for Conditional Use Permits, *Subsection 3.050.060: Time Limits and Extensions*.

3.060.060 Appeals

Final decisions on Administrative Conditional Use Permits may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.060.070 Revocation

The revocation provisions shall be the same as those specified for Conditional Use Permits, *Subsection 3.050.080: Revocation*.

Section 3.070

VARIANCES

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3.070.010 Purpose

A variance may be granted whenever the strict application of a requirement of this Ordinance would impose unusual practical difficulties on one or more property owners, or unnecessary hardships on one or more properties. The authority provided by this Section to grant variances does not extend to the use regulations in any zone district or overlay.

3.070.020 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application*, variance applications shall be accompanied by at least 15 copies of a concept site plan, per the provisions of *Section 3.030: Site Plan Review*, and a written statement which specifically addresses the review criteria as described below in *Subsection 3.070.030: Review Criteria*.
- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

3.070.030 Review Criteria

A variance to the requirements of this Ordinance shall be granted only in the event that each of the following circumstances is found to exist:

- A. The proposed variance will not be contrary to the purposes of this Ordinance, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.
- B. Exceptional or extraordinary circumstances apply to the subject property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the applicant has no control.
- C. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity.
- D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Ordinance since its effective date.

- E. The proposed variance will not substantially reduce the amount of privacy enjoyed by users of neighboring land uses if the variance were not allowed.
- F. The proposed variance is the minimum variance which would alleviate the difficulty.

3.070.040 Conditions of Approval

In granting the variance, the Commission may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

3.070.050 Time Limits

An approved variance shall be void 12 months from the date approved by the Commission and signed by the Chair, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

3.070.060 Appeals

Final decisions on variances may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

Section 3.080**ADJUSTMENTS**

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3.080.010 Purpose

The regulations of the LUDO are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the LUDO may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the LUDO regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the LUDO to continue to provide certainty and rapid processing for land use applications.

3.080.020 Applicability

- A. Unless listed in subsection B., below, all regulations in the LUDO may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
 1. To allow a primary or accessory use that is not allowed by the regulations.
 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 3. As an exception to a threshold for a review. An example is 3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
 6. To allow an increase in density in the RL zone.
- C. The Administrative Adjustment procedure may be used to change the following:
 1. Up to 33% reduction of standard setback requirements.
 2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.

3. Up to 10% reduction in required minimum lot area.
4. Up to 10% increase in the maximum lot coverage area.
5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.

D. The Quasi-Judicial Adjustment process may be used to change the following items:

1. Up to 50% reduction in standard setback requirements.
2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 20% reduction in required minimum lot area.
4. Up to 20% increase in the maximum lot coverage area.
5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
7. 1 and 2 family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 5.010.050 Building Orientation. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

3.080.030 Review Procedures

Administrative Adjustment review procedures shall be the same as those specified for Administrative Actions in *Subsection 3.020.020B1*. Quasi-Judicial Adjustment review procedures shall be the same as those for Quasi-Judicial Actions in *Subsection 3.020.020B2*.

3.080.040 Review Criteria

- A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.
1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.
 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
 3. City designated scenic resources and historic resources are preserved; and
 4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable,
- Or
6. application of the regulation in questions would preclude all reasonable economic use of the site; and
 7. Granting the adjustment is the minimum necessary to allow the use of the site; and
 8. Any impacts resulting from the adjustment are mitigated to the extend practical.
- B. Additional Criteria. If the applicant meets the approval criteria above, then the Approving Authority may also take into consideration, when applicable, whether the proposal will:
1. Result in a more efficient use of the site;
 2. Provide adequate provisions of light, air, and privacy to adjoining property;
 3. Provide for accessibility, including emergency vehicles, per City standards;
 4. Result in a structure that conforms to the general character of the neighborhood or zone district;
 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.

3.080.050 Conditions of Approval

In granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

3.080.060 Time Limits

An adjustment shall be void 12 months from the date signed by the Approving Authority, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

3.080.070 Appeal

Final decisions on adjustments may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

Section 3.090**NONCONFORMING DEVELOPMENT**

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3.090.010 Purpose

The purpose of the non-conforming development regulations is to control, improve, or terminate uses, buildings, and structures which were lawful prior to the enactment of this Ordinance, but which do not conform to its provisions. The goal is to permit nonconformities to continue, but not to encourage their perpetuation, and to ultimately bring all development (excepting certain existing residential uses) into conformance with this Ordinance and the Comprehensive Plan.

3.090.020 Unlawful Use

No unlawful use of property at the time this Ordinance is enacted shall be deemed a nonconforming development. Property owners may be required to provide evidence used to identify a use as lawful prior to any planning action on a nonconforming development.

3.090.030 Conveyance

This Section shall not be construed to limit the sale, transfer, or conveyance of property containing a nonconforming use, building, or structure so long as the sale, transfer, or conveyance does not otherwise violate the provisions of this Ordinance.

3.090.040 Nonconforming Lots of Record

Lots and parcels legally created but which do not conform to the zoning standards in this Ordinance may be occupied by allowed uses after the date of this Ordinance, if those uses comply with all of the provisions of this Ordinance.

3.090.050 Nonconforming Uses

A use that was legally allowed when established, but which is no longer permitted in the zone district in which it is located, may continue after becoming nonconforming so long as it complies with all of the following requirements:

- A. Expansion. A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, buildings, or structures than the use occupied at the time it became nonconforming.

- B. Discontinuance. If a nonconforming use is discontinued for any reason for more than 12 consecutive months, any subsequent use shall conform to all of the regulations of the subject zone district. For the purposes of this Ordinance, rental payments, lease payments, or the payment of taxes shall not be considered as a continued use. “Discontinued” shall mean non-use and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.
- C. Change of Use. A non-conforming use change may be approved as an administrative action or as a quasi-judicial action, per the appropriate provisions of *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions*. A nonconforming use may change to another similar or less non-conforming use when the degree of non-conformity is not increased, no alterations are made to the structures, buildings or parking areas which would increase the non-conformity, and the approving authority approves the following:
1. Traffic impacts generated by the use change are not increased.
 2. Noise, dust, and any other nuisance conditions are not increased.
- D. Residential Use in the Central Business Commercial District. Residential uses in the Central Business Commercial District are allowed as follows:
1. In structures existing at the time this ordinance was adopted and originally designed and/or used as a residence, regardless of current or previous use.
 2. All residential uses existing as of the date of adoption of this ordinance.

3.090.060 Nonconforming Structures

- A. Continuation. A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone district because it does not conform to the existing height, setback, coverage, area, or other requirements, may continue so long as it complies with all of the following requirements:
1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease its nonconformity.
 2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform with its pre-damage

nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this Ordinance.

3. If a nonconforming structure is moved, it must conform to the standards of the zone district to which it is moved.
4. The nonconformity is not specifically prohibited from continuation on the deed.

B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any structure when:

1. The maintenance or repair conforms to the existing nonconforming structure.
2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
3. The proposed maintenance or repair is not prohibited on the deed.

3.090.070 Exceptions

A. Residential Uses. Any structure used as any residential building type before the enactment of this Ordinance may be:

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of units, and serves the same use as the original structure.
2. Continued as a nonconforming residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:
 - a) The structure maintains the same or fewer number of units.
 - b) The typical setback requirements for residential dwellings as specified in *Section 5.030: RM –Medium Density Residential District* are met. In cases where the existing non-conforming residential structure does not meet the RMH setback standards, the modification or enlargement to the structure is allowed provided that any

- expansion does not further encroach upon RM setback requirements.
- c) The residential off-street parking requirement listed in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* is met.
 - d) The nonconforming structure is not located in an existing City right-of-way.

3.090.080 Modification of an Adult Use in a Nonconforming Adult Business

An adult business which at the time of adoption of General Ordinance No. 05-1262 does not conform to the criteria in that ordinance, shall be governed by the provisions of Section 3.090 of General Ordinance No. 98-1222, except that the current adult use may not be expanded to include other types of uses by law which are not accessible by persons of any age group under 18 years of age. Any such modification of the adult use shall result in automatic loss of the rights under Section 3.090 and shall cause the adult business to be in violation of this ordinance.

Section 3.100**ZONE CHANGES**

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3.100.010 Purpose

The purpose of a Zone Change is to provide for a zoning revision, and the accompanying zoning map revision, in response to the needs of one or more landowners, in order to maintain conformance with the Comprehensive Plan, and to correct any zoning map errors.

3.100.020 Review Procedures

- A. Applications. Applications for Zone Changes shall be made in accordance with the provisions of *Section 3.010: Application Procedures*.
- B. Review. Requests for Zone Changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.
 - 1. Quasi-Judicial Zone Changes. The Council shall approve or deny quasi-judicial Zone Change applications, per the provisions of *Subsection 3.020.050: Quasi-Judicial Actions*, with the following addition:
 - a) Applications for quasi-judicial Zone Changes shall be reviewed by the Commission, per the Legislative Hearing Procedure of *Subsection 3.020.070(B): Legislative Hearing Procedure*. The Commission shall make a recommendation to approve or deny the Zone Change, and this recommendation will be made a part of the staff report prepared for the Council’s quasi-judicial hearing of the application.
 - 2. Legislative Zone Changes. The Council shall approve or deny legislative Zone Change applications, per the provisions of *Section 3.020.060: Legislative Actions* of this Chapter.
- C. Adoption by Ordinance. Approved Zone Changes shall be adopted by ordinance per the provisions of Chapter VIII, “ORDINANCES” of the City Charter.
- D. Zoning Map Amendment. Approved Zone Changes shall automatically amend the official zoning map in order to reflect the change(s).

- E. Comprehensive Plan Map Amendments. Approved Comprehensive Plan map amendments shall automatically effect Zone Changes and zoning map amendments.

3.100.030 Review Criteria

A Zone Change shall be granted if the following criteria are met:

- A. Conformance. The proposed Zone Change conforms with the Comprehensive Plan and all other provisions of this Ordinance.
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.
- D. Adverse Effect. The proposed Zone Change shall have minimal adverse effect on existing and future surrounding development.

3.100.040 Appeals

Final decisions on Zone Changes may be appealed, per the provisions of *Section 3020.080: Appeal Procedures.*

Section 3.110**ORDINANCE AMENDMENTS**

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3.110.010 Purpose

This Section describes the procedures and review criteria necessary to amend the land use and development regulations in this Ordinance. For the purposes of this Section an amendment to this Ordinance shall be referred to as a “text amendment”.

3.110.020 Review Procedure

- A. Applications. Applications for Ordinance Amendments shall be made in accordance with the provisions of *Section 3.010: Application Procedures*.
- B. Review. Text amendments shall be processed as legislative actions in accordance with *Subsection 3.020.060: Legislative Actions*, with the following addition:
 - 1. The Historical Landmarks Commission shall review requests for text amendments concerning historic resources, and make a recommendation to the Planning Commission either supporting or opposing the request. This recommendation shall be made a part of the Planning Commission’s review of the proposed text amendment.

3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

3.110.040 Appeals

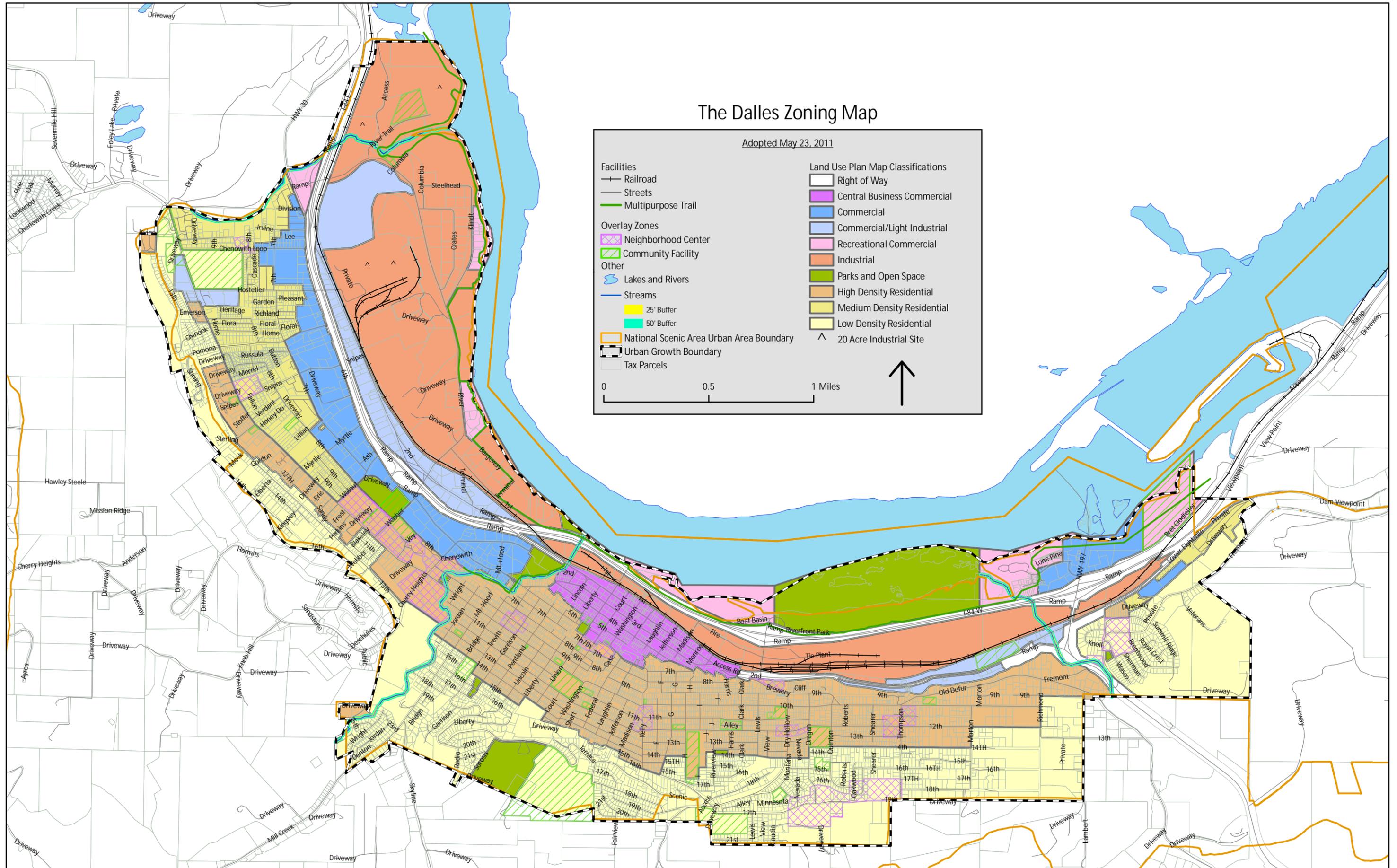
Text amendments may be appealed to LUBA subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.

The Dalles Zoning Map

Adopted May 23, 2011

<p>Facilities</p> <ul style="list-style-type: none"> — Railroad — Streets — Multipurpose Trail <p>Overlay Zones</p> <ul style="list-style-type: none"> ▨ Neighborhood Center ▨ Community Facility <p>Other</p> <ul style="list-style-type: none"> ☪ Lakes and Rivers — Streams ☐ 25' Buffer ☐ 50' Buffer — National Scenic Area Urban Area Boundary — Urban Growth Boundary ☐ Tax Parcels 	<p>Land Use Plan Map Classifications</p> <ul style="list-style-type: none"> ☐ Right of Way ☐ Central Business Commercial ☐ Commercial ☐ Commercial/Light Industrial ☐ Recreational Commercial ☐ Industrial ☐ Parks and Open Space ☐ High Density Residential ☐ Medium Density Residential ☐ Low Density Residential ▲ 20 Acre Industrial Site
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0 0.5 1 Miles

Chapter 5

ZONE DISTRICT REGULATIONS

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Section 5.010**RL - LOW DENSITY RESIDENTIAL DISTRICT**

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5.010.010 Purpose

This district implements the RL - Low Density Residential Comprehensive Plan designation, which allows for a range of 0 - 6 single family dwelling units per gross acre. The RL district is intended to provide low density family residential areas for present and future needs, together with a full range of urban services.

5.010.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:
 - a) Single Family.
2. Residential Building Types:
 - a) Single Family Detached.
 - b) Single Family Detached (Zero Lot Line) when used in a cluster of zero lot line lots or when a 10 foot easement is obtained from the owner of the property adjacent to the zero foot setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.
 - c) Duplex and 2-unit condominiums (On Corner Lots).
3. Civic Use Types:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.010.030: Conditional Uses* below).
4. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
5. Other uses determined by the Director to be similar to the above uses.

- B. Accessory Uses Permitted Outright.
1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development.*
 2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development.*
 3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals.*
 4. Family Day Care, as defined in *Chapter 2 - Definitions.*
 5. Home Business, subject to the provisions of *Section 6.020: Home Businesses.*
 6. Residential Care Home, as defined in *Chapter 2 - Definitions.*

5.010.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits.*

- A. Child Care Center, as defined in *Chapter 2 - Definitions.*
- B. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District.*
- C. Funeral and Internment Services (interring and cemeteries only), subject to the provisions of *Section 5.100: Community Facilities Overlay District.*
- D. Planned Development, subject to the provisions of *Section 9.050: Planned Development.*
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*
- F. Adult Business. An application for an adult business shall also comply with the following criteria:

1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RL Low Density Residential zone.
2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.010.040 Neighborhood Compatibility

To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RL - Low Density Residential District shall comply with the provisions of *Section 3.040: Neighborhood Compatibility Review*. Where applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Section.

To determine if Neighborhood Compatibility Review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in *Section 3.040: Neighborhood Compatibility Review*.

5.010.050 Development Standards

RL Low Density Residential	Standard
Lot Size Single Family Detached Corner Duplex Small Lot Single Family Attached Row House Lot Width Lot Width – Corner Duplex Lot Depth	5,000 sq. ft. minimum 4,500 sq. ft. per dwelling unit 4,000 sq. ft. minimum with density transfer 3,200 sq. ft. minimum with density transfer 50 ft. minimum 35 ft. minimum per dwelling, each unit shall front on a separate sheet 65 ft. minimum average
Setback Front Yard Rear Yard Side Yard (interior) Single Family Detached Corner Duplex Small Lot Single Family Attached Row House Side Yard (corner lot) Garage/Carport Entrances (facing streets)	15 ft. 10 ft. 5 ft. minimum 8 ft. minimum on one side of a dwelling unit with a zero setback on the opposite side Setback (0 ft.) on the opposite side 5 ft. minimum 8 ft. minimum for end units; zero setback (0 ft.) where common walls exist 10 ft. minimum on street side 20 ft. minimum (corner lots and interior lots)
Building Height	32 ft. maximum
Lot Coverage	60% of Lot Area maximum
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.
Off Street Parking	See <i>Chapter 7 - Parking Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Driveway Locations	See <i>Section 6.050: Access Management</i>

Landscaping	<i>See Section 6.010: Landscaping Standards</i>
Minimum Density*	Not more than 10,000 net buildable sq. ft. per dwelling unit.

*This standard is applicable to new subdivisions and planned developments, but does not apply to infill development approved through the minor partition process. Compliance with this standard is measured by determining the buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RL site with five buildable acres would be required to provide at least 21 dwelling units (217,800 buildable sq. ft./10,000 sq. ft. = 21.78, rounded down to 21).

5.010.060 Design Standards

- A. All Residential Development. All 1 and 2 family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):
1. Attached garage or carport (1 per dwelling).
 2. Roof pitch greater than 3/12 (a nominal slope of 3 feet in height for every 12 feet in width).
 3. Commercially available siding.
 4. Covered porch entries.
 5. Recessed entries.
 6. Eaves, minimum 12” projection.
 7. Bay or bow windows.
 8. Exterior window sills.
 9. Gables in addition to the primary roof pitch.
 10. Other features subject to the approval of the Director.

- B. Manufactured Dwellings. In addition to the above requirements for all residential development, manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*. Where a design feature from Subsection (A) above is the same as a requirement from *Section 6.120: Manufactured Dwellings*, the overlapping requirements may count as one, and satisfy the requirements of both Sections.
- C. Duplexes, small lot single family and attached row houses shall have front porches with a depth of at least 6 feet and a width of at least 12 feet, or the garage shall occupy no more than 50% of the width of the front (street-facing) dwelling façade.

5.010.070 Exceptions to Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. Lot Size.
 - 1. In Planned Developments, the lot size, width, and depth may vary from the standards listed in this section, provided that the overall project density does not exceed 6 units per gross acre, and the proposed development conforms with this and other City ordinances.
 - 2. Where open space is reserved on a separate tract of land, permitted density from that open space tract may be transferred to buildable portions of the site to allow for small lot single family and town house lots through the subdivision process, provided that the overall project density does not exceed 6 dwelling units per gross acre. The proposed development must conform to this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the

entire block frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.

2. **Setback Averaging.** The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
3. **Setbacks for Steeply Sloping Lots.** The following exceptions apply to lots which slope up or down from the street with an average slope of 20 % or greater:
 - a) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.
 - b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
4. **Garage and Carport Setbacks on Alleys.** Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

D. Height Limits for Steeply Sloping Lots.

1. **Downhill Slope from Street.** On lots that slope downhill from the street with an average slope of 20 % or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed height limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.
2. **Uphill Slope from Street.** On lots that slope uphill from the street with an average slope of 20 % or greater, the alternative height and setback standards of subsection (3) below may be applied.

3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development and Subdivisions. Planned Development and Subdivision development greater than 10 lots, and where the developer builds or sites the dwellings, shall be exempt from the building orientation requirement.
2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk, a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.020**RH – HIGH DENSITY RESIDENTIAL DISTRICT**

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5.020.010 Purpose

This district implements the RH - High Density Residential Comprehensive Plan designation, which allows for a range of 7 - 25 single family and multi-family dwelling units per gross acre. The RH district is intended to provide areas where small lot single family detached dwellings, single family attached dwellings, duplexes, town houses, condominiums, and multi-family developments may be constructed under various ownership patterns. Adequate urban services shall be available to all development without exception.

5.020.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:
 - a) Single Family.
 - b) Multi-Family.
2. Residential Building Types:
 - a) Single Family Detached.
 - b) Single Family Detached (Zero Lot Line).
 - c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
 - d) Small Lot Single Family Detached Dwellings (3-8 Unit Clusters) and Attached Town Houses (Zero Lot Line, 3 to 8 Unit Clusters).
 - e) Multi-Family Dwelling.
3. Civic Use Types:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per *Subsection 5.020.030: Conditional Use* below).
4. Care Facility Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*.
 - b) Residential Care Facility, as defined in *Chapter 2 - Definitions*.

5. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
6. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*.
2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Family Day Care, as defined in *Chapter 2 - Definitions*.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*.
6. Residential Care Home, as defined in *Chapter 2 - Definitions*.

5.020.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- B. Mortuaries, Funeral Homes, Interring and Cemeteries, excluding crematoria.

- C. Parking Areas, subject to the provisions of *Chapter 7 - Parking Standards*.
- D. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RH High Density Residential zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.020.040 Neighborhood Compatibility

To ensure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RH - High Density Residential District shall comply with the provisions of *Section 3.040: Neighborhood Compatibility Review*. Where applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Section.

To determine if Neighborhood Compatibility Review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in *Section 3.040: Neighborhood Compatibility Review*.

5.020.050 Development Standards

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	3,500 sq. ft., 2,800 sq. ft. for small lot and townhouse clusters (3-8 Units)	5,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	2,800 sq. ft. to 3,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 25 ft. for small lot and townhouse clusters (2-8 Units)	50 ft.	75 ft.	75 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	85 ft.
Building Height ¹	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks Front Yard Rear Yard Side Yards	15 ft. 10 ft. The following shall apply: 1. Interior Lots: 5 ft. 2. Exterior Lots: 10 ft. 3. 0 ft. where zero lot lines allowed			
Garage/Carport Entrances (Facing Street)	20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of Lot Area maximum			

(Continued next page)

¹ Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

5.020.050 Development Standards (Continued)

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.			
Pedestrian Access	All multi-family building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.020.060(C): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>			
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>			
Landscaping	See <i>Section 6.010: Landscaping Standards</i>			
Access Management	See <i>Section 6.050: Access Management</i>			
Minimum Density*	Not more than 4,000 net buildable sq. ft. per dwelling unit.			

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).

5.020.060 Design Standards

- A. Single Family and Two-Family Development. All 1 and 2 family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):

1. Attached garage or carport (1 per dwelling).
 2. Roof pitch greater than 3/12 (a nominal slope of 3 feet in height for every 12 feet in width).
 3. Commercially available siding.
 4. Covered porch entries.
 5. Recessed entries.
 6. Eaves, minimum 12” projection.
 7. Bay or bow windows.
 8. Exterior window sills.
 9. Gables in addition to the primary roof pitch.
 10. Other features subject to the approval of the Director.
- B. Manufactured Dwellings. In addition to the above requirements for 1 and 2 family development, manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*. Where a design feature from *Subsection (A)* above is the same as a requirement from *Section 6.120: Manufactured Dwellings*, the overlapping requirements may count as one, and satisfy the requirements of both Sections.
- C. Exterior Elevations, All Development Except 1 and 2 Family. Exterior elevations of buildings shall incorporate architectural design features such as architectural features, offsets, balconies, base/wall/cornice design, projections, windows, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 design features shall be incorporated along the horizontal face (side to side) of the structure at a minimum of every 40 feet.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- D. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall

be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.

- E. Pedestrian Walkways. Each multi-family development shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.
- F. Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 20 feet separation.
 2. Buildings with windowed walls facing buildings with a blank wall: 15 feet separation.
 3. Buildings with opposing blank walls: 10 feet separation.
 4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 5. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (4) above for walls in separate buildings.
 6. Where buildings exceed a horizontal dimension of 30 feet or a vertical dimension of 25 feet, the minimum wall separation shall be increased. Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 5 feet of building height over 30 feet.

7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.
- G. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the 10 design features located in section 5.010.060 A. to provide visual relief along the front of the residence.

5.020.070 Open Area

Open Area requirements shall apply to all development with 3 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open area. The minimum open area shall be landscaped and permanently maintained per the provisions of *Section 6.010: Landscaping Standards*. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:

- A. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
- B. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
- C. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

5.020.080 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits and setback averaging).

- A. Lot Size. In Planned Development and Subdivision development, the lot size, width, and depth requirements may vary from the Development Standards listed in this Section, provided that the overall project density does not exceed 25 units per gross acre and the proposed development conforms with this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the entire block frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.
 - 2. Setback Averaging. (Note: Does not apply to Mobile Home Parks and Recreational Vehicle Parks). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
 - 3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
 - 4. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:
 - a) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.

- b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.
2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.
3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development and Subdivisions. Planned Development and Subdivision development greater than 10 lots, and where the developer builds or sites the dwellings, may be exempt from the building orientation requirement.
2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and

a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.030**RM – Medium Density Residential**

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5.030.010 Purpose

This district implements the Mobile Home Residential Comprehensive Plan designation, which allows for a range of 7 - 17 single family and multi-family dwelling units per gross acre. The district is intended to provide medium density areas for the full range of residential dwelling types listed in this Section. Adequate urban services shall be available to all development without exception.

5.030.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:

- a) Single Family.²
- b) Multi-Family.³
- c) Manufactured Dwelling Park.⁴

2. Residential Building Types:

- a) Single Family Detached.
- b) Single Family Detached (Zero Lot Line).
- c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
- d) Small Lot Single Family Detached Dwellings, and Attached Town Houses (Zero Lot Line, 3-5 Unit Clusters).
- e) Multi-Family Dwelling.

² All forms of **attached single family** housing subject to the provisions of *Section 3.030: Site Plan Review*.

³ Subject to the provisions of *Section 3.030: Site Plan Review*.

⁴ Subject to the provisions of *Chapter 11 - Manufactured Dwelling Parks*.

3. Civic Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall always be processed as Community Facilities Sites per *Subsection 5.030.030: Conditional Uses* below).
4. Care Facility Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*.
 - b) Residential Care Facility, as defined in *Chapter 2 - Definitions*.
5. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
6. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*.
2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Family Day Care, as defined in *Chapter 2 - Definitions*.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*.
6. Residential Care Home, as defined in *Chapter 2 - Definitions*.

5.030.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

Administrative Conditional Use Permits:

- A. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- B. Mortuaries, Funeral Homes, Interring, and Cemeteries, excluding crematoria.
- C. Parking Areas, subject to the provisions of *Chapter 7 - Parking Standards*.
- D. Planned Development (may mix residential and commercial uses) subject to the provisions of *Section 9.050: Planned Development*.
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RM – Medium Density Residential zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.030.040 Development Standards

RM Medium Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	4,000 sq. ft., 3,500 sq. ft. for small lot and townhouse clusters (3-5 units)	6,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	4,000 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	40 ft., or 35 ft. each for small lot and townhouse clusters (3-5 units)	50 ft.	80 ft.	80 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.
Building Height ⁵	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks Front Yard Rear Yard Side Yards Garage/Carport Entrances (Facing Street)	10 ft. 10 ft. The following shall apply: 1. Interior Lots: 5 ft. 2. Exterior Lots: 10 ft. 3. 0 ft. where zero lot lines allowed 20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of Lot Area			

(Continued next page)

⁵ Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

5.030.040 Development Standards (Continued)

RM Medium Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.			
Pedestrian Access	All multi-family building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.030.050(D): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>			
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>			
Landscaping	See <i>Section 6.010: Landscaping Standards</i>			
Access Management	See <i>Section 6.050: Access Management</i>			
Minimum Density*	Not more than 6,000 net buildable sq. ft. per dwelling unit.			

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RM site with two buildable acres would be required to provide at least 14 dwelling units (87,120 buildable sq. ft./6,000 sq. ft. = 14.52, rounded down to 14).

5.030.050 Design Standards

These design standards do not apply to Manufactured Dwelling Parks and Recreational Vehicle Parks, which are instead subject to the provisions of *Chapter 11 - Manufactured Dwelling Parks* and *Chapter 12 - Recreational Vehicle Parks*. All other development shall be subject to the following:

- A. Manufactured Dwellings. Manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*.
- B. Exterior Elevations, All Development Except 1 and 2 Family. Exterior elevations of buildings shall incorporate architectural design features, offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 2 architectural design features shall be incorporated along the horizontal face (side to side).
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- C. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- D. Pedestrian Walkways. Each multi-family development shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.
- E. Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 20 feet separation.

2. Buildings with windowed walls facing buildings with a blank wall: 15 feet separation.
 3. Buildings with opposing blank walls: 10 feet separation.
 4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 5. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (4) above for walls in separate buildings.
 6. Where buildings exceed a horizontal dimension of 60 feet or a vertical dimension of 30 feet, the minimum wall separation shall be increased. Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 10 feet of building height over 30 feet.
 7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the buildings shall be separated by at least 7 feet.
 - c) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.
- F. Front Entry. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line shall be connected by hard surface to the right of way. In addition, all one and two family dwellings located on a single tax lot shall utilize 6 or more of the 10 other design features located in Section 5.010.060 A. to provide visual relief along the front of the residence.

5.030.060 Open Area

Open Area requirements shall apply to all development with 3 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open space. The minimum open area shall be landscaped and permanently maintained per the provisions of *Section 6.010: Landscaping Standards*. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:

- A. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
- B. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
- C. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

5.030.070 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. Lot Size. In Planned Developments and Subdivision development, the lot size, width, and depth may vary from the standards listed in this Section, provided that the overall project density does not exceed 17 units per gross acre, and the proposed development conforms with this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the entire block

frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.

2. Setback Averaging. (Note: Does not apply to Mobile Home Parks and Recreational Vehicle Parks). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
4. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:
 - c) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.
 - d) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed height limit. In addition, the alternative height and setback standards of subsection (3) may be applied.
2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.

3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development, Subdivisions, Mobile Home Parks, and Recreational Vehicle Parks. Planned Development, Subdivisions, Mobile Home Parks, and Recreational Vehicle Parks may be exempt from the building orientation requirement.
 2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.
- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.040**NC - NEIGHBORHOOD CENTER OVERLAY**

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5.040.010 Purpose

The purpose of the NC - Neighborhood Center Overlay zone is to provide areas throughout the City where a mix of certain commercial, residential, civic and light manufacturing uses are permitted, either within a single building or on a single tax lot. Neighborhood Centers are intended to create transportation efficient, pedestrian oriented locations for small businesses and neighborhood based services in residential sections of the City. This overlay zone shall be applied to underlying residential zones.

5.040.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:

- a) Single Family.⁶
- b) Multi-Family.⁷

2. Residential Building Types:

- a) Single Family Detached (excluding mobile homes).
- b) Single Family Detached (Zero Lot Line).
- c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
- d) Small Lot Single Family Detached Dwellings and Attached Town Houses (Zero Lot Line, 3-8 Unit Clusters).
- e) Multi-Family Dwelling

⁶All forms of **attached single family** housing subject to the provisions of *Section 3.030: Site Plan Review*.

⁷Subject to the provisions of *Section 3.030: Site Plan Review*.

3. Commercial Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*
 - b) Financial Institutions (excluding drive-through windows).
 - c) Food Services (including restaurants which may or may not serve alcoholic beverages, cafeterias, bakeries, catering, and take-out operations, excluding drive-through windows).
 - d) Indoor commercial amusements including bowling alleys with no more than 12 lanes, billiard halls with no more than 6 tables, and game rooms with no more than 20 mechanical or electrical games, or any combination thereof.
 - e) Indoor Pet Stores.
 - f) Indoor Small Animal Veterinary.
 - g) Laundromats and Dry Cleaners.
 - h) Light manufacture, assembly, or packaging (generates no nuisance conditions, conducted entirely within the building).
 - i) Markets and Grocery Stores (20,000 sq. ft. maximum).
 - j) Medical and Dental Offices, Clinics, and Laboratories.
 - k) Personal care services such as barber shops and salons.
 - l) Professional and Administrative Offices.
 - m) Public and private parking lots and parking structures, subject to the provisions of *Chapter 7 - Parking Standards*.
 - n) Repair services (excluding automobile repair).
 - o) Residential Care Facility, as defined in *Chapter 2 - Definitions*.
 - p) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
 - q) Other uses determined by the Director to be similar to the above uses.

4. Civic Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per *Subsection 5.040.030 Conditional Uses* below).

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*. Must be accessory to a permitted single family residential use.
2. Accessory uses and structures, not otherwise prohibited, and customarily incidental to the primary use subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*. Must be accessory to a permitted single family residential use.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Family Day Care, as defined in *Chapter 2 - Definitions*.
6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to a permitted residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to single family residential dwelling.

5.040.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Automobile service stations, including repair services.
- B. Bars, taverns and cocktail lounges, with OLCC IV or IV-A Minor posting, where all operations (except off-street parking and loading) are conducted within completely enclosed buildings and not located closer than 100 feet to a residential district, or 500 feet to a school.
- C. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

- D. Mortuaries and Funeral Homes (excluding crematoria).
- E. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- F. Retail uses.
- G. Small Indoor Theaters (seating up to 300), excluding multiplex cinemas.
- H. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- I. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the NC Neighborhood Center overlay zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.040.040 Development Standards

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
Minimum Lot Area	None	4,000 sq. ft. OR 2,800 sq. ft. per lot for small lot and townhouse clusters (3-8 Units)	4,000 sq. ft.
Minimum Site Area per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	None	40 ft. OR 28 ft. per lot for small lot and townhouse clusters (3-8 Units)	40 ft. OR 28 ft. per lot for small lot and townhouse clusters (3-8 Units)
Minimum Lot Depth	None	60 ft.	60 ft.
Front Yard Setback	No minimum. 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.	10 ft. minimum	5 ft. minimum, 10 ft. maximum if residential on ground floor. Otherwise no minimum and 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.
Rear Yard Setback	None, except 15 ft. where shares lot line with property zoned residential	10 ft. minimum	10 ft. minimum, except 15 ft. where shares lot line with property zoned residential

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5.040.040 Development Standards (Continued)

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/ Residential
Side Yard Setbacks	None, except 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential	5 ft. minimum, 0 ft. for zero lot lines, 8 ft. for exterior side yard	5 ft. minimum, except 0 ft. for zero lot lines, 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential
Building Height	32 ft. maximum	32 ft. max.	35 ft. maximum
Lot Coverage (Area occupied by buildings, parking, and automobile circulation)	No maximum	65% of lot area maximum	No lot area maximum
Minimum Density*	n/a	4,000 net buildable sq. ft. per dwelling unit	n/a
Garage/Carport Entrance (Facing Street)	20 ft. minimum setback (corner lots and interior lots)		
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private access way is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.040.050(C): Pedestrian Walkways</i>		
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>		
Landscaping	See <i>Section 6.010: Landscaping Standards</i>		
Access Management	See <i>Section 6.050: Access Management</i>		
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>		

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain),

then dividing by minimum density square footage standard, and rounding down. See examples for underlying zones.

5.040.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas.
 2. Residential Only. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed commercial, or mixed commercial/residential site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction and be the shortest practical distance between the main entry(ies) and public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings,

shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

D. Multiple Buildings on One Lot: Separation between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings and businesses within a development or on a single lot, the following minimum standards shall apply:

1. Buildings with windowed walls facing buildings with windowed walls: 15 feet separation.
2. Buildings with windowed walls facing buildings with a blank wall, and buildings with opposing blank walls: 10 feet separation.
3. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
4. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (3) above for walls in separate buildings.
5. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

E. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front the residence.

5.040.060 Neighborhood Compatibility

All applications for new construction or for additions and / or modifications to existing buildings shall meet all of the applicable requirements of *Section 3.040:*

Neighborhood Compatibility Review to ensure, to the extent possible, compatibility with surrounding development.

5.040.070 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. 1 and 2 Family Residential. 1 and 2 family residential dwellings located on a single tax lot are exempt from the design standards listed in this Section, and instead subject to the low density residential design standard requirements of *Subsection 5.010.060: Design Standards*.

- B. Lot Size. In Planned Developments, the lot size, width, and depth requirements may vary from the standards listed in this Section, provided that the overall project density does not exceed 25 dwelling units per gross acre, and the proposed development conforms with this and other City ordinances.

- C. Setbacks.
 - 1. Setback Averaging. The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

 - 2. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

 - 3. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:

- a) The front yard setback for the dwelling may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
- b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

- 1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the 30 foot height limit. In addition, the alternative height and setback standards of subsection (3) below shall apply.
- 2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below shall apply.
- 3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

- 1. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum

of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.050**CBC - CENTRAL BUSINESS COMMERCIAL DISTRICT**

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5.050.010 Purpose

This district implements the CBC - Central Business Commercial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses, along with civic and certain residential uses, and to provide all basic services and amenities required to keep the downtown area the vital pedestrian-oriented center of the community.

5.050.20 Sub-Districts

For the purposes of development and redevelopment, the CBC - Central Business Commercial zone district is divided up into 3 specific sub-districts. In addition to the Design Standards for all development, each of the 3 sub-districts has special characteristics which require different development and design standards and review procedures. The 3 sub-districts are defined as follows:

- A. Sub-district CBC-1. CBC-1 shall be the area of the Central Business Commercial zone district which falls within the designated national Commercial Historic District and Trevitt's Addition Historic District.
- B. Sub-district CBC-2. CBC-2 shall be the area of the Central Business Commercial zone district bordered on the north by First Street, on the east by Jefferson Street, on the south by Fourth Street, and on the west by Liberty Street.
- C. Sub-district CBC-3. CBC-3 shall be the area of the Central Business Commercial zone district excluding sub-districts CBC-1 and CBC-2 above.

5.050.030 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, the specific standards and procedures for the particular Sub-district where the use is proposed, and all other applicable requirements of this and other City Ordinances:
 - 1. Agricultural Sales, including feed and seed and equipment but excluding heavy equipment.
 - 2. Animal Sales and Services (pet stores, grooming, kennels, veterinary).

3. Automobile and equipment repair (excluding heavy equipment), sales and services, rental agencies on site only except during community events. Except for replacement of minor parts, all auto repair work shall be conducted inside a building.
4. Child Care Center, as defined in *Chapter 2 - Definitions*.
5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Hotels and Motels.
7. Laundromats and Dry Cleaners (commercial operations only).
8. Liquor stores, public house, taverns, lounges and bars.
9. Lodges, Fraternal and Civic Assembly.
10. Markets and Grocery Stores.
11. Medical and Dental Offices, Clinics, and Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:
 - a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
 1. A public or private elementary, secondary or career school attended primarily by minors.
 2. A public library.

3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
 - d) The dispensary facility shall not have a drive-up use.
 - e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
 - f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.
12. Mortuaries and funeral homes.
13. Personal Care Services such as barber shops and salons.
14. Printing and Publishing.
15. Professional and Administrative Offices and Services.
16. Public and Private Parking Lots and Structures, see also the provisions of *Chapter 7 - Parking Standards*.
17. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.050.040: Conditional Uses* below).

18. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, theaters (more than two screens are a multi-plex cinema and are processed as a conditional use), and game rooms.
19. Residential uses as follows:
 - a) All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
 - b) Attached Town Houses (zero lot line, 3-8 unit clusters), allowed only outside Sub-district 2.
 - c) Multi-family dwellings with dwellings on the first floor, allowed only outside Sub-district 2.
20. Residential Care Facilities and Group Homes, located in permitted single family residential structures.
21. Retail Uses.
22. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
23. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an allowed single family residential use outside Sub-District CBC-2.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, per the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*. Must be accessory to a permitted single family residential use outside Sub-District CBC-2.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.

5. Family Day Care, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted single family residential use outside Sub-District CBC-2.
6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to a permitted residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted residential use.

5.050.040 Conditional Uses

Conditional Uses that have outdoor storage will screen the storage area to reduce as much as possible views from other properties. The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Automotive service stations, body shops, and auto painting, on site only.
- B. Automatic Teller Machines.
- C. Conference, Visitor, and Convention Centers.
- D. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- E. Contractor shops, offices, and storage areas.
- F. Hospitals, convalescent centers, sanitariums, and similar institutions
- G. Light Manufacture, assembly, and packaging (generates no nuisance conditions by commercial standards, conducted entirely within the building).
- H. Machine shops.
- I. Micro-breweries and wineries.
- J. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.

- K. Public and private transportation depots and terminals (passengers only).
- L. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- M. Other uses determined by the Commission to be similar to the above uses.
- N. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.050.050 Development Standards

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 3 ⁸	0 ft. maximum ⁹	10 ft. maximum ¹⁰
Side and Rear Yards	No minimum/maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet.		
Lot Size, Width, Depth	No minimum/one full City block maximum provided any public rights-of-way are maintained		
Building Height	55 ft. maximum, except 75 ft. maximum with a conditional use permit.		
Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 30% shall be oriented primarily toward a street or designated accessway rather than a parking area.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.050.060(C): Pedestrian Walkways</i>		
Off Street Parking (Bicycles and Vehicles)	<i>See Chapter 7 - Parking Standards</i>		
Landscaping	<i>See Section 6.010: Landscaping Standards</i>		
Accessory Uses, Buildings and Structures	<i>See Section 6.030: Accessory Development</i>		
Access Management	<i>See Section 6.050: Access Management</i>		

⁸ Applicant may request up to 15 foot exception where outdoor seating for food service is proposed, subject to separate quasi-judicial approval of both the Historic Landmarks Commission and the Planning Commission.

⁹ Applicant may request up to 15 foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

¹⁰ Applicant may request up to 5 foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

5.050.060 Design Standards - All Development

- A. Exterior Elevations. Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
 2. Residential Only.
 - a) Within Sub-District CBC-2, upper story residential uses shall have shared or individual entries on the first level only. No outside stairways serving upper story dwellings are allowed.
 - b) Outside Sub-district CBC-2, Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet

in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.050.070 Design Standards - Sub-Districts

- A. Sub-district CBC-1 (Commercial Historic District and Trevitts Addition Historic District). All proposed development and redevelopment in this Sub-district shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194).

- B. Sub-district CBC-2 (Downtown Core). All development and redevelopment in the CBC-2 Sub-district shall comply with the following:
 - 1. **Building Exteriors.** Building exteriors may be finished with brick (excluding concrete brick), rock, stucco, plaster, cut stone such as marble or granite, and similar materials. Wood, metal and vinyl exteriors are prohibited.

 - 2. **Roofs.** Buildings shall have flat (as opposed to sloped) roof lines. Roof lines may include parapets.

 - 3. **Minimum Building Height.** Buildings shall be at least 16 feet minimum height with a facade having the architectural appearance of a 2 story structure.

- C. Sub-district CBC-3 (Downtown Fringe). All development and redevelopment in the CBC-3 Sub-district shall choose one of the following:
 - 1. May be designed in accordance with the requirements of *Subsection (B)* above.

2. May be designed so that building exteriors, roof lines, and front entries are compatible with the surrounding development in terms of setback, height, bulk, mass, and building materials.

5.050.080 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements) as follows:
 1. Automobile sales lots, however the sales lots must still provide pedestrian walkway(s) to the sales lot from the sidewalk.
 2. Commercial card-lock fueling stations, where there are no mini markets on site.
 3. Service stations where there are no mini-markets on site.
 4. Storage facilities and warehouses.
 5. Wireless Communication Facilities.
 6. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking
 1. Commercial Communication Equipment uses and other uses which the Director determines have no employees on site and are not open to the public, may be exempted from off-street parking requirements.
 2. Existing lots that cannot meet dimensional standards for parking spaces can restrict the entire lot for employee only valet type parking, which do not have to meet the dimensional requirements. Employee parking only restricted lots must provide signage stating the restrictions and prohibiting parking for the general public. These lots must meet the landscaping standards in Section 7.030.040(B) or obtain approval for alternate landscaping plans as authorized in Section 7.030.040(D).

3. With the approval of the Director, up to 50% of the required parking spaces can be reserved for employee parking. These spaces must have signage specifying this restriction. Parking reserved for employees does not have to meet dimensional requirements and may be valet type parking so long as the parking does not obstruct fire lanes or emergency access or interfere with the use or development of adjoining properties. Employee parking may use an alley for maneuvering. Employee parking spaces do not count towards the 7 space threshold that requires landscaping as contained in Section 7.030.040(B). Employee parking areas are not exempt from landscaping requirements but may qualify for the alternative landscaping provisions found in Section 7.030.040(D).

C. Setbacks. The following setback exceptions may apply to allowed residential uses:

1. Setback Averaging. The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
2. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20 % or greater:
 - a) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height

limit is the higher of 23 feet above the average grade of the street or the designated height limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.

2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.
3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

Section 5.060**CG - GENERAL COMMERCIAL DISTRICT**

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5.060.010 Purpose

This district implements the CG - General Commercial Zone District as part of the Commercial Comprehensive Plan designation, and is intended to provide areas for a wide range of retail, wholesale, and service businesses commensurate with the needs of the marketing region. New development shall be designed to promote clustering of businesses, use of common access and traffic controls, and use of cross access for vehicles, pedestrians and bicycles between contiguous sites. Safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street, sidewalk, or public right-of-way shall also be provided.

5.060.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Animal Sales and Services (pet stores, grooming, veterinary).
 2. Automobile repair, sales and services, including rental agencies, service stations, and detailing (excluding body shops, auto painting, and machine shops which shall be processed as conditional uses per *Subsection 5.070.030: Conditional Uses* below). Uses are allowed only on site except during community events.
 3. Child Care Center, as defined in *Chapter 2 - Definitions*.
 4. Conference, Visitor, and Convention Centers.
 5. Equipment sales, service and repair, excluding heavy equipment.
 6. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 7. Hotels and Motels.
 8. Laundromats and Dry Cleaners.
 9. Light manufacture, assembly, or packaging (generates no nuisance conditions by commercial standards, conducted entirely within the building).

10. Liquor stores, public house, taverns, lounges and bars.
11. Lodges, Fraternal and Civic Assembly.
12. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:
 - a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
 1. A public or private elementary, secondary or career school attended primarily by minors.
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
 - d) The dispensary facility shall not have a drive-up use.
 - e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or

by-products shall not be placed in the dispensary facility's exterior refuse containers.

- f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.
13. Mortuaries and funeral homes.
 14. Personal Care Services such as barber shops and salons.
 15. Printing and Publishing Houses.
 16. Professional and Administrative offices and services.
 17. Public and Private Parking Lots and Structures, subject to the provisions of *Chapter 7 - Parking Standards*.
 18. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.060.030: Conditional Uses* below).
 19. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters (including multi-plex cinemas), and game rooms.
 20. All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
 21. Recreational Vehicle Parks, in accordance with Chapter 12- Recreational Vehicle Parks.
 22. Residential Care Facilities and Assisted Living.
 23. Retail Uses, including shopping centers, markets, grocery stores, agricultural sales and service, feed and seed stores, garden centers, and landscape supplies.

24. Wholesale Uses.
25. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
26. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an existing nonconforming single family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals in allowed single family residential dwellings, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Family Day Care, as defined in *Chapter 2 - Definitions*. Must be accessory to an existing nonconforming single family residential use.
6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to an allowed residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted residential use.

5.060.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

A. Animal Kennels.

- B. Automobile body and painting shops.
- C. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- D. Contractor shops, offices, and storage areas.
- E. Heavy Equipment Sales and service, on site only.
- F. Hospitals, convalescent centers, sanitariums, and similar institutions.
- G. Machine shops.
- H. Micro-breweries and wineries.
- I. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- J. Public and private transportation depots and terminals (passengers and freight).
- K. Warehousing-retail only, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
- L. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- M. Other uses determined by the Commission to be similar to the above uses.
- N. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.

- C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.060.040 Development Standards

CG General Commercial	Standard
Lot Size	10,000 sq. ft. minimum
Lot Width, Depth	No minimum, maximum
Setbacks Front Yard and Side Yard	None, except 10 ft. on corner lots and 15 ft. where borders a residential district
Rear Yard Setback	5 ft. minimum, 15 ft. minimum where borders a residential district
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹¹
Building Orientation	New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.060.050(C): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

¹¹ The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

5.060.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drive and shall be accessed from a public sidewalk, in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
 2. Residential Only. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities

Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

5.060.060 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements) as follows:
1. Automobile sales lots, however the sales lots must still provide for access to the sales lot from the sidewalk.
 2. Commercial card-lock fueling stations, where there are no mini markets on site.
 3. Heavy Equipment sales lots.
 4. Service stations where there are no mini-markets on site.
 5. Storage facilities and warehouses.
 6. Wireless Communication Facilities.
 7. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance:
1. Wireless Communication Facilities.
 2. Uses which the Director determines have no employees on site and are not open to the public.

Section 5.070**CLI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT**

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5.070.010 Purpose

This district implements the CLI - Commercial/Light Industrial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses and certain light industrial uses. New development shall be designed to promote clustering of businesses where appropriate, and use of common access and traffic controls. Where appropriate, safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street/sidewalk shall also be provided.

This district also accommodates Business Parks that provide for a mixture of commercial and light industrial uses in a campus-like setting where business activities are conducted indoors. To ensure compatibility with adjacent residential neighborhoods, Business Parks shall be reviewed through the Planned Development Process set forth in Section 9.050.

5.070.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Agricultural Sales and Service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
 2. Animal Sales and Services (pet stores, grooming, kennels, veterinary).
 3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
 4. Child Care Center, as defined in *Chapter 2 - Definitions*.
 5. Contractor shops, offices, and storage areas.
 6. Engineering, research and development.
 7. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 8. Hotels and Motels.

9. Laundromats and Dry Cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured Home Sales, including demonstration units (not to be actual dwelling units).
13. Markets and Grocery Stores.
14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:
 - a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
 1. A public or private elementary, secondary or career school attended primarily by minors.
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container,

motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.

- d) The dispensary facility shall not have a drive-up use.
 - e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
 - f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.
15. Personal Care Services such as barber shops and salons.
 16. Printing and Publishing.
 17. Professional and Administrative Offices and Services.
 18. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.070.030: Conditional Uses* below).
 19. Public and Private Parking Lots, subject to the provisions of *Chapter 7 - Parking Standards*.
 20. Public and private transportation depots and terminals, passengers and freight.
 21. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multi-plexes, and game rooms.
 22. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.

23. Retail Uses, including shopping centers.
24. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
25. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities
26. Wholesale Uses.
27. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an existing nonconforming single family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals in existing non-conforming residential dwellings, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to an existing non-conforming residential use.

5.070.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

- B. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- C. Recreational Vehicle Parks, subject to the provisions of *Chapter 12 - Recreational Vehicle Parks*.
- D. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- E. Other uses determined by the Commission to be similar to the above uses.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.070.040 Development Standards

CLI Commercial/Light Industrial	Standard
Lot Size	10,000 sq. ft. minimum or smaller for Business Parks approved through the Planned Development Process.
Site Size	None, except for Business Parks which shall be a minimum site size of 10 acres.
Setbacks Front Yard and Side Yard	None, except 10 feet on corner lots and 15 ft. where borders residential district. Except for common wall units, buildings in Business Parks shall have a minimum 10 ft. side yard setback; buildings and parking areas shall be landscaped and setback a minimum of 10 ft. from public rights-of-way.
Rear Yard	5 ft. minimum, 15 ft. minimum where borders a residential district.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹²
Building Orientation	New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance
Pedestrian Access	All building entrances shall provide for a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.070.050(B): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>
Landscaping	See Section 6.010: Landscaping Standards. Business Parks shall have a minimum of 20% landscaping; required setbacks shall be landscaped.
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

¹² The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

5.070.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Pedestrian Walkways. Where public sidewalks exist, or upon sidewalk development, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way . If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.
- C. Entries. Primary entries shall face a public street or designated access drive and shall be accessed from a public sidewalk, in accordance with the provisions of Subsection (B) above. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
- D. Additional Business Park Design Standard. Except for parking and loading activities, all non-recreational Business Park activities shall be conducted indoors; outdoor business activities, including storage of materials, shall be prohibited in Business Parks.

5.070.060 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements):
1. Automobile sales lots, however the sales lots must still provide for access to the sales lot from the sidewalk.
 2. Commercial card-lock fueling stations where there are no mini markets on site.
 3. Heavy Equipment sales and service.
 4. Service stations where there are no mini-markets on site.
 5. Storage facilities and warehouses.
 6. Wireless Communication Facilities.
 7. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking. The following permitted and conditional uses may be exempted from the bicycle parking requirements of this Ordinance:
1. Wireless Communication Facilities.
 2. Uses which the Director determines have no employees on site and are not open to the public.

Section 5.080**CR - Recreational Commercial District**

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5.080.010 Purpose

This district implements the CR - Recreational Commercial Comprehensive Plan designation and is intended to provide areas for mixed business, commercial, service, recreational, and light industrial uses. Site planning for permitted uses shall insure protection and enhancement of the significant environmental areas located along the Columbia River and related streams and creeks. Streets, sidewalks, bikeways, and water, sewer, and storm drainage systems shall be constructed or improved as needed.

5.080.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of *Section 3.030: Site Plan Review*:
1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
 2. Conference, Visitors, and Convention Centers.
 3. Hotels, Motels, and Campgrounds.
 4. Light Industrial (campus setting or compatible with commercial and recreational uses).
 5. Recreational Facilities.
 6. All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
 7. Restaurants.
 8. Service and Administrative Offices.
 9. Public and Private Parking Lots and Structures, in accordance with *Chapter 7 - Parking Standards*.
 10. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.080.030: Conditional Uses* below).
 11. Recreational Vehicle Parks, in accordance with *Chapter 12 - Recreational Vehicle Parks*.

12. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
13. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures not otherwise prohibited, customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

5.080.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Child Care Center, as defined in *Chapter 2 - Definitions*.
- B. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- C. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- D. Other uses determined by the Director to be similar to the above uses.
- E. Adult Business. An application for an adult business shall also comply with the following criteria:
 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.

C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

F. Planned Development, subject to the provisions of Section 9.050:
Planned Development.

5.080.040 Development Standards

CR Recreational Commercial	Standard
Lot Size, Width, Depth	No minimum
Setbacks	None, except 10 ft. where fronts, sides, or rears on a public Right of Way, and all development shall be set back 30 ft. or more from the Columbia River to accommodate the Riverfront Trail and associated amenities
Building Height	40 ft. maximum
Lot Coverage	60% of Lot Area maximum
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.080.050(A): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

5.080.050 Design Standards

- A. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.080.060 Exceptions To Standards

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.
- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance as follows:
1. Vehicles and Bicycles.
 - a) Uses which the Director determines have no employees on site and are not open to the public.
 - b) Wireless Communication Facilities.
 2. Bicycles Only.
 - a) Hotels, Motels, and Campgrounds.
 - b) Recreational Vehicle Parks.

Section 5.090**I - INDUSTRIAL DISTRICT**

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5.090.010 Purpose

This district implements the I - Industrial Comprehensive Plan Designation and is intended to establish areas which provide for a variety of commercial and industrial uses. All uses in the Industrial Zone District shall comply with Federal and State health, safety, environmental, and pollution standards, and be designed to minimize conflict between industry and other land uses.

5.090.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Auto body shops, auto painting, and machine shops.
 2. Circus or like activity (limited to 4 events per year per site).
 3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per *Subsection 5.090.030: Conditional Uses* below) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
 4. Food production and manufacturing.
 5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 6. Heavy Equipment Sales and Service, on site only.
 7. Laundry and cleaning service industries.
 8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
 9. Printing and Publishing.
 10. Public and Private Parking Lots.
 11. Public and Private vehicle servicing and fueling stations.

12. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.090.030: Conditional Uses* below).
13. Railroad yards and spurs, shipyards, and commercial docking facilities.
14. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
15. Rodeo Grounds.
16. Storage and maintenance yards.
17. Transportation Facilities.
18. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
19. Veterinary services, kennels, and fish hatcheries.
20. Warehouses.
21. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
22. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
3. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

5.090.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Agriculture and Aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- C. Child Care Center, as defined in *Chapter 2 - Definitions*.
- D. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- E. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- F. Recreation Facilities (Commercial - Outdoor), including golf courses and shooting ranges.
- G. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- H. Other uses determined by the Director to be similar to the above uses.
- I. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

5.090.040 Development Standards

I Industrial	Standard
Lot Size	10,000 sq. ft. minimum or larger as necessary to meet Goal 9 large lot requirements.
Lot Width, Depth	No minimum/maximum
Setbacks All Yards	No minimum except as follows: A. 25 ft. from Residential Zone or Community Facilities Overlay; B. 10 ft. from a public Right of Way; C. 30 ft from the Columbia River to accommodate the Riverfront Trail and associated amenities.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹³
Pedestrian Access	Building entrances may be required to have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.090.050: Pedestrian Walkways</i> below
Off Street Parking	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

Large Industrial Sites:

1. Four 20 acre sites shall be identified on a map in The Dalles Community Development Department in order to meet large site needs identified in The Dalles Economic Opportunities Analysis. The four sites shall be selected in cooperation and collaboration with the property owner.
2. Once a large industrial user purchases or develops an identified site, or any 20 acre site, the number of required sites shall be reduced accordingly.

¹³ The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

3. The location of the identified 20 acre sites may be modified by the Community Development Department at any time, in collaboration with the property owner and approval by the Planning Commission.
4. The property owner may develop smaller lots on the property so long as a place for a large industrial site is retained on that property.
5. In reviewing any development plan on a property with an identified site, the Community Development Department shall work with the property owner to identify a new location on that property.
6. If the remainder of the property does not meet large industrial site requirements, the Community Development Department shall either identify another property that can accommodate a large site, or initiate an amendment to the Economic Opportunity Analysis and Comprehensive Plan.

5.090.050 Pedestrian Walkways

- A. Applicability. Pedestrian walkways shall be provided in the I - Industrial zone district when both of the following occur:
 1. An existing public sidewalk serves 1 or both sides of the street on which the use fronts.
 2. The Oregon Americans With Disabilities Act requires an accessible connection between the use and the public right-of-way.
- B. Walkway Standards. Where required, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the

requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.090.060 Exceptions To Standards

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.

- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance as follows:
 - 1. Vehicles and Bicycles.
 - a) Uses which the Director determines have no employees on site and are not open to the public.
 - b) Wireless Communication Facilities.

 - 2. Bicycles Only.
 - a) Recreational Vehicle Parks.

5.090.070 Performance Standards

Each use, activity, or operation within this district shall comply with all applicable local, state, and federal standards and shall not create a nuisance beyond the zone district boundary because of odor, vibration, noise, dust, vector control, smoke or gas. Uses shall also prevent materials and debris that could collect and cause a nuisance to be windblown or migrate off-site.

Section 5.100**CFO - Community Facilities Overlay District**

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5.100.010 Purpose

The purpose of the CFO - Community Facilities Overlay Zone is to provide areas around the City for public facilities and quasi-public institutional uses which serve a substantial public purpose. This overlay zone shall be applied to the underlying zone.

5.100.020 Allowed Uses

The following uses and their accessory uses are allowed in the Community facilities Overlay Zone:

- A. Agricultural experimental facilities.
- B. Animal shelters.
- C. Churches and places of worship.
- D. Government public facilities.
- E. Historical Landmarks.
- F. Libraries, museums, and cultural exhibits.
- G. Lodges, Fraternal and Civic Assembly.
- H. The following public recreation facilities: parks, golf courses, golf driving ranges, swimming pools, tennis courts, zoos, marinas, docks, and other facilities.
- I. Medical Care facilities.
- J. Public Safety facilities.
- K. Public Utility facilities.
- L. Public and Private Schools and facilities.
- M. Special District facilities.
- N. Other uses determined by the Director to be similar to the above uses.

5.100.030 Review Procedures

- A. **Review.** Community Facilities shall be reviewed as conditional uses per the provisions of *Section 3.050: Conditional Use Permits.*
- B. **Notification.** Notification of a proposed community facility application shall be sent to all property owners whose property falls within 300 feet of the proposed community facility development site.
- C. **Map Overlay.** Approved Community Facilities sites shall be shown on the official zoning map with the CFO - Community Facilities Overlay designation so long as the use continues. When the approved use ends, the CFO designation shall no longer apply and the zoning map shall revert to the underlying zone.

5.100.040 Development Standards

CFO Community Facilities Overlay	Standard
Lot Size, Width, Depth	No minimum
Setbacks	No minimum, except that vision clearance on Corner Lots shall meet the requirements of <i>Section 6.100: Vision Clearance</i>
Building Height	Limited to the requirements of the underlying zone, except 40 ft. maximum within 100 ft. of a residential zone. In measuring the height of the structure adjacent to the residential zone, the provisions of LUDO Section 6.070.050 do not apply.
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Access Management	See <i>Section 6.050: Access Management</i>

5.100.050 Master Plans

- A. General. Applications for Community Facilities sites shall include a master plan and narrative for the entire site. The master plan may substitute for the concept site plan required by the conditional use review process, providing that the master plan includes all items required by the concept site plan, and indicates all existing and proposed uses, buildings, structures, and all easements and rights-of-way.

- B. Future Modifications.
 - 1. Major Modifications to the approved master plan which alter the scope or character of the project shall require a new application for conditional use permit.

 - 2. Minor Modifications to the approved master plan which do not alter the project's scope or character shall be approved, approved with conditions, or denied by the Director per the provisions of *Section 3.020.040: Administrative Actions*.

Section 5.110**P/OS Parks and Open Space District**

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5.110.010 Purpose

This district implements the P/OS - Parks and Open Space Comprehensive Plan Designation and is intended to insure sufficient open areas throughout the community to safeguard public need for visual and environmental resources and to provide areas for recreational activities. Allowed uses show lower level activity and potentially less offsite impact than uses allowed conditionally.

5.110.020 Allowed Uses

- A. Public parks – day uses only.
- B. Playgrounds – day uses only.
- C. Wading pools – day uses only.
- D. Stream, creek, and river front greenways.
- E. Trails for biking, walking, and/or running, within a park or greenway area.
- F. Other uses determined by the Director to be similar to the above uses.

5.110.030 Conditional Uses

- A. Ball fields.
- B. Swimming pools.
- C. Tennis courts.
- D. Golf facilities.
- E. Marinas.
- F. Docks for recreation.
- G. Zoos.
- H. Other active recreational facilities for sport participating and spectators.

5.110.040 Review Procedures

- A. **Review.** Where allowed as outright permitted uses, proposals for Parks and Open Spaces shall be processed per the-provisions of *Section 3.030: Site Plan Review*. Where allowed as conditional uses, proposals for Parks and Open Spaces shall be processed as Community Facilities sites, per the Review Procedures and Development Standards Sections of *Section 5.100: Community Facilities Overlay District*.
- B. **Zoning.** When approved, Parks and Open Spaces shall be designated P/OS - Parks and Open space on the official zoning map.

5.110.050 Development Standards

P/OS Parks and Open Spaces	Standard
Off Street Parking	Parks without stadium or large structures for seating do not have to provide off street parking, otherwise, use parking standards in Section 7.060
Building Height	Use standards for RL zone in 5.010.050
Minimum Setbacks	Use standards for RL zone in 5.010.050
Front Yard	Use standards for RL zone in 5.010.050
Other Yards	Use standards for RL zone in 5.010.050

Section 5.120**Airport Approach Zones**

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5.120.010 Purpose

The City of The Dalles is a part owner of the Columbia Gorge Regional Airport, located in Klickitat County, Washington. The airport is a valuable asset to the City and the citizens and businesses of Wasco and Klickitat Counties. The topography of the region restricts approaches to the airport and the City desires to protect those approaches as much as possible. When the approaches use airspace over the areas within the zoning jurisdiction of the City of The Dalles, the City will protect that airspace. No development or operational characteristic will be allowed that would hinder the use of the airspace. The city will develop regulations that will delineate the approaches and what will be allowed to develop under those approaches. Until those detailed regulations are in effect, the City has adopted a general regulation set out in Section 5.102.020

5.120.020 Protection of Approach Zones.

No development or operation shall in any way negatively affect the approach zones to the airport or the safe use of the approach zones by aircraft landing or taking off from the airport.

Section 5.130**Stream Corridor District**

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5.130.010 Purpose

The Stream Corridor (SC) Overlay District is intended to help reduce stream temperatures, prevent stream habitat degradation, and protect and restore significant fish-bearing stream corridors identified on The Dalles Stream Corridor Inventory (2011) by:

- A. Conserving significant stream corridors consistent with Statewide Planning Goal 5 (Natural Resources) and The Dalles Comprehensive Land Use Plan;
- B. Protecting and enhancing water quality by restoring stream corridor vegetation;
- C. Minimizing property damage during floods and storms;
- D. Limiting development activity in designated stream corridors;
- E. Maintaining and restoring fish and wildlife habitats and vegetative cover; and
- F. Conserving associated scenic and recreational values.

5.130.020 SC Overlay District Boundaries and Setbacks

The SC Overlay District applies within The Dalles Urban Growth Boundary (UGB), is shown on The Dalles Zoning Map, and includes the corridor extending upland 50 feet from the tops-of-bank of the following fish-bearing streams:

- A. Chenowith Creek;
- B. Mill Creek; and
- C. Three-Mile Creek.

5.130.030 Determination and Modification of SC Overlay District Boundaries

The stream corridor setbacks shall be 50 feet from the top-of-bank as shown on The Dalles Stream Corridor Inventory. An applicant for development may rely on this map to determine how a stream corridor setback affects an individual property. However, this mapped setback may be modified in two ways:

Section 5.130 —Stream Corridor District

- A. Stream Corridor Delineation Process. The Planning Director may approve a modification stream top-of-bank (“bankfull stage” or the “two year recurrence flood elevation” defined in DSL Administrative Rules (OAR 141-085-0510(5)), based on site survey prepared by a registered land surveyor. The required setback shall be revised accordingly.
- B. Stream Corridor Setback Modification. The Planning Director may reduce the stream corridor setback in “developed” areas shown on The Dalles Stream Corridor Inventory to 25 feet when all of the following criteria are satisfied:
1. The applicant agrees to restore riparian vegetation within the remaining 25-foot setback area by implementing a riparian restoration plan approved by the Planning Director.
 2. The riparian restoration plan shall be prepared by a wetland scientist, government agent, or other professional with expertise in riparian plants and restoration techniques acceptable to the Planning Director.
 3. The plan shall ensure removal of invasive plant species and replacement with suitable native plant species that will effectively shade the stream and minimize stream bank erosion.
 4. The plan shall include provisions for monitoring and replacement of native plants over at least a three-year period.
 5. The Planning Director may require a riparian conservation easement for the remaining protected stream corridor.
- C. Hardship Adjustment. The Planning Commission may approve a hardship adjustment to the stream setback provisions of this chapter, without going through a formal variance process, under the following circumstances:
1. Where application of the stream setback provisions of this chapter makes it impossible to build a structure (including a building, required parking and access) otherwise permitted in the underlying zoning district, the Planning Commission may allow reductions of the setback standards of the underlying zoning district by up to 67% to permit the siting of such structures to avoid infringing on the stream setback area.

2. If, after considering the effect of hardship setback adjustments, it is still impossible to build a structure permitted in the underlying zoning district, the Planning Commission may approve up to 3,000 square feet of impervious surface area within the required stream setback area, provided that:
 - a. The structure, parking and access area is located as far from the top of bank as reasonably possible; and
 - b. The applicant submits a stream corridor restoration plan prepared to the specifications set forth in Section 5.130.030.B.

5.130.040 Department of State Lands Notification

The Oregon Department of State Lands (DSL) shall be notified in writing of all applications to the City of The Dalles for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals within The Dalles UGB, that may affect known wetlands or streams.

5.130.050 Permitted and Prohibited Uses Within SC Overlay District

- A. The following uses are permitted within SC Overlay District setback areas:
 1. Passive recreation uses and activities, including paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture;
 2. Maintenance of existing structures, lawns and gardens;
 3. Normal maintenance, replacement and improvements to existing public facilities, roads and driveways, provided that the footprint of these facilities does not expand;
 4. Construction of public facilities and transportation projects identified in adopted public facilities master plans or the Transportation System Plan;

5. Replacement of existing structures with structures located on the original building footprint that do not disturb additional wetland or stream corridor surface area;
 6. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, and drainage pumps;
 7. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities;
 8. In-channel erosion or flood control measures that have been approved by DSL;
 9. Perimeter mowing of a wetland for fire protection purposes;
 10. Removal of non-native vegetation and replacement with native plant species; and
 11. Minor improvements that have no material effect on the listed purposes of this chapter.
- B. Prohibited Uses. Except as listed in Section 5.130.050.A., the following uses and activities are prohibited within stream corridor setback areas:
1. New residential, commercial, industrial, or public/semi-public construction;
 2. Expansion of existing buildings or structures;
 3. Expansion of areas of pre-existing non-native ornamental landscaping such as lawn and gardens;
 4. The placement of structures or impervious surfaces, including grading and the placement of fill; and
 5. Dumping, piling, or disposal of refuse, yard debris, or other material.

5.130.060 Site Plan Required

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at two-foot intervals;
- B. The stream top-of-bank;
- C. The 100-year flood elevation;
- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

Chapter 6

GENERAL REGULATIONS

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Section 6.010**LANDSCAPING STANDARDS**

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6.010.010 Purpose

The City of The Dalles recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; to encourage water conservation and the use of native plants; to minimize runoff and provide for erosion control; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Section prescribes standards for landscaping, buffering, and screening. While this Section provides standards for frequently encountered development situations, detailed landscape plans shall be reviewed by the approving authority with this purposes clause as the guiding principle.

6.010.020 Definition

A. For the purposes of this Section and this Ordinance, unless otherwise specified, 'landscaping' shall mean a minimum of 40% of the required landscape area be planted with live plant material. Trees on the recommended tree list, which are 2.5 inch caliper 5 feet above the ground at time of planting shall each be considered to cover 250 square feet. Trees smaller than 2.5 inch caliper shall be considered to cover the area under the tree's drip line. Dry landscaping may cover up to 60% of the required landscape area. Dry landscaping shall not include crushed rock, pea gravel, or similar material as determined by the approving authority. Parking areas may require additional landscaping. See Section 7.030.040.

B. Single family dwellings, including manufactured homes, shall landscape the undeveloped portions of the front yard, as defined in this Ordinance, within the first 6 months after occupancy. For purposes of this subsection, landscaping may be live plant material, dry landscaping, or a combination of live plant material and dry landscaping.

6.010.030 General Provisions

- A. Applicability. The provisions of this Section shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.
- B. Landscaping Plans. Where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process. Requirements for detailed landscape plans are listed in *Section 3.030.030(B): Detailed Landscape*

Plans. Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Section.

- C. Completion Prior To Occupancy. Except for landscaping for single family homes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of *Subsection 9.040.060(I): Performance Guarantee* prior to occupancy.
- D. Planned Developments. Required landscaping for Planned Developments shall be reviewed and approved by the Commission, and shall in no case be less than that required by this Section.
- E. Maintenance. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent rights-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. All landscaping, buffering, and screening required by this Ordinance shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or the party responsible for removing the trees and/or plant material.
- F. Parking Lot Landscaping. The landscaping requirements for parking lots are described in *Subsection 7.030.040: Landscaping Requirements*. Parking lot landscaping shall be required in addition to the landscaping requirements described in this Section.
- G. Trees In Public Rights-of-Way. A City permit is required to plant, remove, significantly prune, top, or pollard any trees in a public right-of-way.
- H. Preservation of Significant Trees. Significant tree specimens should be preserved to the greatest extent practical, and integrated into the design of a development. Trees of 14 inches or greater diameter measured at a height of 5 feet above grade are considered significant. Trees to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 feet outside the tree's drip line, or if a plan for tree protection recommended by a certified arborist is adhered to. In addition, the tree shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
- I. Planters and Screen/Buffer Areas. Planters and screen/buffer areas used for required plantings shall have a minimum width, or diameter, of 5 feet (2.5 feet radius, inside dimensions). Where the curb or the edge of these

areas are used as a tire stop for parking, the planter or buffer area shall be a minimum width of 7.5 feet.

- J. Irrigation Systems. Irrigation systems shall be required where necessary to assure survival of plant materials.
- K. Vision Clearance. In no case shall site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. See *Section 6.100: Vision Clearance*.
- L. Fences. All fences over 4 feet in height shall require a permit. Permits for fences 6 feet or under in height shall not require a permit fee.

6.010.040 Buffering

Buffer plantings are used to reduce building scale, provide transition between different land uses (i.e. residential and commercial) and contrasting architectural styles, and generally mitigates incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

6.010.050 Screening (Hedges, Fences, Walls other than Retaining Walls, Berms)

- A. General. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. All screening shall comply with the provisions of *Section 6.100: Vision Clearance*.
- B. Fences and Walls. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, metal, or other commonly used fencing/wall materials. Acoustically designed fences and walls may also be used where noise pollution requires mitigation.
- C. Landscaping As Screening. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.
- D. Chain Link with Slats. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided outside the fence. In this

case, the landscape buffer shall have an average height of 50% of the height of the fence within 1 year of planting. (See *Section 6.010.040: Buffering* above.)

- E. Height. The height of hedges, fences, walls, and berms shall be measured as provided for in Section 6.070.050(B), except where used to comply with screening requirements for parking, loading, storage, and similar areas. Hedges, fences, walls, and berms must comply with vision clearance requirements of Section 6.010.030 K. Height requirements for hedges, fences, and walls are as follows:
1. Residential Areas.
 - a) Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10 foot triangle adjacent to an alley or driveway.
 - b) Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.
 - c) Hedges, fences and walls not located in required yards may exceed the height standards listed above.
 2. Commercial and Industrial Areas. Barbed wire may be allowed above the fence or wall height requirement.
 3. All Areas. Fences and walls over 6 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.
- F. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- G. Design. Fences and walls over 200 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping in all zone districts except the I - Industrial district.
- H. Visual Clearance. Screening is not permitted within vision clearance areas, as described in *Section 6.100: Vision Clearance*.

- I. Gates. Gates are required in rear-yard fences on through lots for maintenance access to the area from curb to a proposed fence. (Gates shall not be used to make an access connection to the right-of way.)
- J. Service Facilities. Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be screened from off-site view with a fence, wall or plantings.
- K. Swimming Pools, Spas, and Hot Tubs. In addition to all other requirements in the Oregon Structural Specialty Code, swimming pools, spas and hot tubs more than 18 inches deep shall be surrounded and screened with a minimum 4 foot high secured fence or wall. Access to the secured area must have a self-latching gate.

6.010.060 Street Trees

- A. General. Street trees shall count toward the required landscape requirement. Street trees shall be planted and maintained in accordance with the following standards for all public street frontages, and along private street and accessways more than 150 feet long. Street trees shall be required in all zoning districts where there is a designated planting strip in the public right-of-way. Selection of species may be made from the recommended tree list provided by the Director. Alternate selections must be requested in writing and approved by the Director.
- B. Spacing. Medium canopy trees shall be spaced a maximum of 30 feet on center, and large canopy trees shall be spaced a maximum of 50 feet on center.
- C. Planting Requirements. Trees planted within 5 feet of permanent hard surface paving or walkways shall use special planting techniques and specifications approved by the Public Works Director.
- D. Fire Hydrants. Clearance from fire hydrants shall be as specified in the Uniform Fire Code as adopted by the local fire protection district.
- E. Location. Unless approved otherwise by the City Engineer, trees may not be planted:
 1. Within 20 feet of street light standards.
 2. Within 10 feet of a public sanitary sewer, storm drainage or water line.
 3. In drainage ditch channels and flood ways.

- 4. Within 10 feet of the top of retaining walls located in the public right-of-way.
- 5. In vision clearance areas.
- F. Public Safety. Trees may not be planted in areas where the Director determines the trees may be a hazard to the public interest or general welfare.
- G. Clearance. Trees shall be pruned, by the property owner, to provide a minimum clearance of 9 feet above sidewalks and 14 feet above street and roadway surfaces.

6.010.070 Required Landscaping By Zone

Where required by this Ordinance, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.

ZONE	SITE REQUIREMENT
RL	Site landscaped according to 6.010.020
RH 1, 2 Family 3+ Family	Site landscaped according to 6.010.020 Equal to 1.5 times the first floor area of all structures minimum
RM 1,2 Family 3+ Family	Site landscaped according to 6.010.020 Equal to first floor area of all structures minimum
NC 1, 2 Family Residential Only 3+ Family Residential Only Commercial Only Mixed Residential/Commercial	Site landscaped according to 6.010.020 Equal to the first floor area of all structures minimum Equal 10% of the first floor area of all structures minimum Equal to .5 times the first floor area of all structures minimum

6.010.070 Required Landscaping By Zone (continued)

ZONE	SITE REQUIREMENT
CBC Sub-district 1 Sub-district 2 Commercial in area outside Sub-district 2 Residential in area outside Sub-district 2 Mixed Residential/Commercial in area outside Sub-district 2	Subject to requirements of Ordinance 96-1207, Design Guidelines for Historic Resources None None Lot area not built on shall be appropriately landscaped Lot area not built on shall be appropriately landscaped
CG	Equal 20% of the first floor area of all structures minimum
CLI	Equal 15% of the first floor area of all structures minimum
CR	Equal 15% of the first floor area of all structures minimum
I	A five foot landscaping buffer adjacent to all public right of way, but limited to 10% of the area of the entire site. If a five foot buffer along the length of the right of way exceeds 10% of the entire site, the City Community Development Department staff will indicate which portions of the right of way will have the buffer.
CFO	Subject to underlying zone requirements, unless reduced or expanded by the Commission through the Conditional Use review process
P/OS	No requirement

Section 6.020**HOME BUSINESSES**

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6.020.010 Purpose

The purpose of this Section is to encourage small commercial ventures which could not necessarily be sustained if forced to operate in commercial quarters and/or which are appropriately operated within a residence or accessory structure. Home businesses are recognized for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home businesses are conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term.

This Section seeks to insure that home businesses do not infringe upon the right of neighboring residents to enjoy the peaceful and safe occupancy of their homes. Large-scale commercial or professional operations, which would normally be conducted in a commercial or industrial zone district, shall continue to be conducted in those districts and not in a home.

6.020.020 General

- A. Applicability. The provisions of this Section shall only apply to home businesses in residential zone districts. Home businesses are not allowed in residential zones without a Home Business Permit. Home businesses in other zone districts shall be subject to the regulations of the subject district.
- B. Non-conforming Uses. Existing legal non-conforming commercial operations in residential zones are not considered home businesses unless it can be shown that the existing use meets home business requirements.
- C. Exemptions. For the purposes of this Section, the following shall not be considered a home business:
 - 1. Family Day Care.
 - 2. Residential Care Homes and Residential Care Facilities.
 - 3. Bed and Breakfast operations and Vacation Rentals which are occupied on a permanent basis as a residence.
- D. Prohibited Uses. Vehicle sales, vehicle repair, and any use where the vehicle is the focus of the work or is a significant part of the home business is prohibited unless the owner obtains a conditional use permit.

6.020.030 Review Procedures

- A. Applications. All applications shall meet the requirements of *Section 3.010: Application Procedures*. The approving authority may require additional site plan and/or vicinity plan information where necessary to adequately review the proposal and/or to determine the location and type of business, and the manner in which it will be conducted.
- B. Review. Applications for Home Businesses may be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*. At the Director's discretion, or at the request of the Commission, the applicant or a party(ies) of record who address legitimate criteria, the application may be processed as a Conditional Use Permit, per the provisions of *Section 3.050: Conditional Use Permits*.
- C. Permits. The Director shall issue a Home Business Permit when the approving authority finds that the proposed home business complies with the requirements of this Section.

6.020.040 Review Criteria

Home Businesses shall be subject to the following criteria, unless amended, reduced, waived, or added to by the Commission through the Conditional Use review process:

- A. The Residence.
 1. The home business must be subordinate to a dwelling's residential use.
 2. The home business, or portion of the home business conducted at home, must be conducted entirely within the dwelling, garage(s), or accessory structure(s) of the person conducting the home business. Incidental loading and unloading is exempt from this requirement.
 3. The home business shall not result in any structural alterations or additions to the dwelling or accessory structure(s) that will change the primary residential use of the property.
 4. There shall be no display, other than the allowed sign and allowed business vehicles, of products or equipment that is visible from outside any buildings or structures.
- B. Storage.

1. There shall be no outside storage of home business materials or equipment that is visible from the public right-of-way or adjacent properties.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable materials) beyond that normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home business shall be allowed in the dwelling, garage(s), or accessory structure(s).

C. Employees.

1. At least one adult resident of the home shall be employed in the home business.
2. Other than dwelling residents, there shall be a maximum of 2 workers per home business.
3. Additional individuals may be employed by or associated with the home business, so long as they do not report to work at the home.
4. The home occupation site (the lot on which the home business is conducted) shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Signs. 1 non-illuminated 4 square foot wall sign shall be allowed for each approved home business site.

E. Addressing. There shall be no separate home business street address.

F. Hours of Operation, Automobiles, Parking, and Traffic.

1. Clients or customers are permitted at the home business site Monday through Sunday, between the hours of 7 a.m. and 7 p.m.
2. There shall be a limit of 2 business vehicles per home business. For the purposes of this Section, a business vehicle is any vehicle that is used in the conduct of the home business, or which has the name or logo of the home business displayed in any manner on the vehicle. At the Director's discretion, additional home business vehicles may be permitted, providing the intent of this Section is met. The business vehicle shall be of a size that shall

not overhang into the public right-of-way when parked in a driveway or other location on the home business site.

3. Between the hours of 7 a.m. and 7 p.m. there shall be no more than 3 commercial pickup and/or deliveries at the home business site, and no commercial pickup and/or deliveries between the hours of 7 p.m. and 7 a.m.
 4. In addition to the off-street parking required for the residential use, there shall be sufficient parking to accommodate all employee and business vehicles. A home business's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement. Where the Director determines that the business vehicle and the personal vehicle are the same, the business vehicle may use residential off-street parking requirement.
- G. Off-Site Impacts. Any activity that generates excessive traffic or monopolizes available on-street parking, produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the home business site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
- H. Retail Activity. Any activity involving on-site retail sales (except items that are incidental to the business use including, but not limited to, beauty products, lesson books, sheet music, and computer software) shall not be allowed.
- I. Other Laws, Ordinances and Regulations. The issuance of a Home Business Permit shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures including, but not limited to, building and fire codes. An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a Home Business Permit Application.

6.020.050 Complaints and Revocation of Permits

- A. Complaints. A complaint concerning the operation of a Home Business shall be in written form and clearly state the nature of the objection(s) to the business. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. The Director shall be authorized to visit the site of a permitted home business during normal business hours. If necessary, the Director is authorized to apply for an

inspection warrant pursuant to the provisions of Chapter IV of General Ordinance No. 93-1166 in order to conduct an inspection of the premises. If the complaint is determined to be meritorious, a report shall be prepared for the Planning Commission and the home business shall be notified.

B. Public Hearing.

1. A public hearing shall be scheduled before the Planning Commission to consider whether the permit issued for the business should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsel at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the state of Oregon.

C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:

1. Generation of excessive traffic (in excess of 20 trips per day).
2. Monopolizing available on-street parking.
3. Evidence establishing a violation of any provision of this Section, a condition of approval, or any other rule, regulation, ordinance or law, whether local, state or federal.

D. Final Decision. After the consideration of all relevant information and testimony presented, the Planning Commission shall make its decision, based upon substantial evidence. The Planning Commission's decision

shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of *Section 3.020.080: Appeal Procedures*

Section 6.030**ACCESSORY DEVELOPMENT**

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6.030.010 Purpose

This Section provides standards and criteria for regulating accessory development. Accessory development includes accessory uses, buildings and structures. Examples of accessory development include, but are not limited to, patios, decks, sheds, shops, detached garages and carports, accessory dwellings, home businesses, and family day care.

6.030.020 General Regulations

Accessory development shall be subject to the same requirements as the principal uses within each zone district except as otherwise provided below:

- A. Nonconforming Development. Accessory development involving nonconforming uses, buildings and structures is subject to the requirements of *Section 3.090: Nonconforming Development.*
- B. Size. Accessory development shall be subordinate in size to the primary use.
- C. Location.
 - 1. A required side or rear yard setback may be reduced to 3 feet for detached accessory buildings or structures that do not require a building permit, except as allowed in subsection C. 3. below. The distance shall be measured from the common property line to the building or structure's eave line.
 - 2. Garages and carports accessory to residential uses with vehicle entrances facing a side street shall be set back a minimum of 20 feet from the property line.
 - 3. Rear yard or side yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
 - 4. No rear yard setback is required for detached accessory buildings if the rear yard abuts an alley that has at least a 20 foot right of

way. If the alley right of way is less than 20 feet in width, detached accessory structures may be located up to 10 feet from the center line of the right of way.

- D. Height. The height of accessory structures shall not exceed the height of the primary structure and shall be limited to 18 feet or 80% of primary structure's allowed height, whichever is greater. Notwithstanding the prior sentence, accessory structures up to 14 feet in height are allowed in all zones.

6.030.030 Accessory Dwellings

Accessory dwellings are allowed as accessory to permitted single family residential development. In addition to complying with the specific requirements of the zoning district, accessory dwelling units are subject to the following provisions:

- A. Occupancy. The owner of the lot must occupy either the principal residence or the accessory unit unless otherwise exempted by the Director.
- B. Drainage, Sanitary Sewer and Water. Adequate provision shall be made for drainage, water and sewage waste.
- C. City Ordinances. The accessory dwelling unit shall meet all applicable City Ordinances.
- D. Lot Requirements. The lot requirements (width, depth, area, coverage, etc.) on which the principal residence and accessory dwelling unit are located shall be met.
- E. Design Compatibility. The accessory dwelling unit shall be compatible with the primary dwelling unit through the use of similar exterior design and materials, color and roof pitch.
- F. Accessory Unit Size. The accessory dwelling unit's gross floor area shall not exceed 60% of the gross floor area of the primary dwelling unit (exclusive of garage[s] and unfinished basements) up to a maximum floor area of 600 square feet. All areas being used as living space shall be counted toward the maximum allowance of 600 square feet, whether or not those areas were originally built or intended to be used for habitation.

- G. Entrances. The entrance to the accessory dwelling unit shall be oriented to minimize impacts on, and protect the privacy of adjacent properties.
- H. Parking. No off-street parking needs to be provided for the accessory dwelling unit so long as the parking requirement for the primary dwelling unit is met. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard, other than existing and/or approved driveways.
- I. Garage Conversions. A garage may be converted to an accessory dwelling unit provided that the off-street parking requirement for the primary dwelling unit continues to be met.
- J. Accessory Dwellings Allowed per Lot. Only one accessory dwelling unit shall be allowed per lot, or per contiguous lots under one ownership which are developed as one lot.
- K. Addressing. The accessory dwelling shall be legally addressed with the street address of the primary dwelling plus the designation “B”.
- L. Accessory dwellings are allowed in duplexes only with a Conditional Use Permit.

Section 6.040**BED AND BREAKFAST AND VACATION RENTALS**

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6.040.010 Purpose

This Section describes standards and requirements governing the use of single family dwellings for Bed and Breakfasts and Vacation Rentals. These standards and requirements shall be in addition to other City Ordinance requirements and to Federal and State laws and regulations.

6.040.020 Permits

All Bed and Breakfasts and Vacation Rentals shall be required to obtain a Bed and Breakfast/Vacation Rental Permit from the Department within 3 months from the effective date of this Ordinance. Permits shall be renewed every 5 years, and it shall be the owner's responsibility to renew the permit. Operation without a valid permit may be cause for civil, criminal, or other sanctions, per the provisions of *Chapter 15: Enforcement*. Permits shall be non-transferable. Upon transfer of the property the existing permit becomes void. The new owner(s) may apply for a new permit.

6.040.030 General Requirements

The following general requirements shall apply to both Bed and Breakfast facilities and to Vacation Rentals:

- A. Permit. All required permits shall be obtained prior to any rental of the property.
- B. Signs.
 1. Residential Zones. Signage shall be limited to one 4 square foot sign. The sign may be a wall sign on the primary building, or a free-standing sign limited to 4 feet in height (top of sign). If free-standing, the sign area ONLY may be lighted, not to exceed 40 watts. No off-premises signs are permitted.
 2. Non-residential Zones. All signage normally allowed by the zone district shall be allowed.
- C. Length of Stay. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
- D. Fire and Life Safety. Each facility shall meet all state and local requirements for fire and life safety.

- E. Room Tax. Each facility shall be subject to the transient room tax, per the provisions of General Ordinance No. 950, The Transient Room Tax Ordinance.
- F. Owner's Responsibilities. It is the property owner's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, and Traveler's Accommodations requirements in the Oregon Revised Statutes.

6.040.040 Permit Requirements

Bed and Breakfast facilities and Vacation Rentals shall be issued the required permit as an accessory use when the following provisions have been met:

- A. Requirements for Both Bed and Breakfast and Vacation Rentals.
 1. The facility is proposed for an existing detached single family residential dwelling.
 2. The structure containing the facility retains the characteristics of a single family dwelling. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
 3. Any other conditions of approval deemed necessary by the approving authority to mitigate impacts to the surrounding neighborhood.
 4. There is 1 parking space for each guest room after 2 rooms in the facility. (The residential off-street parking requirements must also be met where the facility is also a primary residence.) A Bed and Breakfast or Vacation Rental's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement.
- B. Requirements for Bed and Breakfasts.
 1. The dwelling containing the Bed and Breakfast is owner or manager occupied.
 2. The maximum number of Bed and Breakfast guest rooms is 5.

C. Requirements for Vacation Rentals.

1. All vacation rentals must comply with City Ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick up is required during the months of May through September.
2. There shall be no excessive generation of traffic created by the vacation rental.
3. The maximum number of occupants per facility shall be determined by the Director and the Fire Marshall. The maximum number of occupants shall be posted inside, near the front door, in a conspicuous place. Maximum occupancy is based on 2 persons per bedroom or a Fire Marshall approved number of persons per square feet.

6.040.050 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, applications for Bed and Breakfast/Vacation Rental Permits shall be accompanied by a plot plan drawn to scale and indicating the location of existing or proposed structures, number of guest or bedrooms, and location of the off-street vehicle parking provided.
- B. Review. Where permitted, Bed and Breakfast/Vacation Rental facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*, and approved, approved with conditions, or denied by the Director.

6.040.060 Complaints Regarding Operation and Revocation of Permits

- A. Complaints. A complaint concerning the operation of a Bed and Breakfast or Vacation Rental shall be in written form and clearly state the nature of the objection(s) to the facility. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. If the complaint is determined to be meritorious, a report shall be prepared for the Planning Commission, and the owner or manager of the Bed and Breakfast or Vacation Rental shall be notified.

B. Public Hearing.

1. A public hearing shall be scheduled before the Planning Commission to consider whether the permit issued for the facility should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsels at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the state of Oregon.

C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:

1. Generation of excessive traffic.
2. Monopolizing available on-street parking.
3. Evidence establishing a violation of any municipal ordinance including City ordinances which define public nuisances or general offenses, or a violation of state criminal law.

D. Final Decision. After the consideration of all relevant information and testimony presented, the Planning Commission shall make its decision, based upon substantial evidence. The Planning Commission's decision shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of *Section 3.020.080: Appeal Procedure.*

Section 6.050**ACCESS MANAGEMENT**

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6.050.010 Purpose

The purpose of this Section is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. The number and placement of driveways is established to reduce traffic conflicts by limiting and clearly defining the function of openings onto streets. This Section balances the right of reasonable access to private property with the rights of the citizens of the City to safe and efficient pedestrian, bicycle and vehicle travel. This section is adopted to implement the access management policies of the City as set forth in the Transportation System Plan and State Highway Access Management policies.

6.050.020 Applicability

The provisions in this Section shall apply to all arterials, collectors, and local streets within the City of The Dalles and The Dalles Urban Growth Boundary, and to all properties which abut these roadways. The access classification system and standards of the Oregon Department of Transportation shall apply to all roadways on the State Highway System. The provisions of this Section shall not be construed to deny access to legal lots of record existing prior to the adoption date of this Ordinance.

6.050.030 General Requirements

- A. Unified Access and Circulation. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Ordinance. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required by this Section shall be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Ordinance and both shall be cited for any violation.
- B. Connectivity. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development. Where required by the approving authority, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed, per the provisions of

Section 9.030: Partitions, Minor Replats, and Lot Line Adjustments, concurrent with the development.

C. Corner Clearance.

1. No new connections to public streets shall be permitted within the functional area of an intersection or interchange as defined by the spacing standards in *Section 6.050.040* below, unless no other reasonable access to the property is available.
2. Where no other alternatives exist, the approving authority may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (for example: right in/out, right in only, right out only, medians) may be required.

D. Joint and Cross Access. Adjacent commercial/office properties which are open to the public shall provide a cross access drive and pedestrian access to allow circulation between sites, and shall be subject to the following:

1. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - b) A design speed of 10 mph and a maximum width of 22 feet to accommodate two-way travel aisles designated to accommodate automobiles, service, emergency, and loading vehicles.
 - c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access.
 - d) A unified access and circulation system plan for coordinated or shared parking areas.
2. Shared parking areas shall be permitted a reduction in required parking spaces per the provisions of *Section 7.020.060: Shared Parking* or *Section 7.020.070: Parking in Mixed Use Development*.
3. Where joint and cross access is provided, property owners shall:

- a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access and/or service drive.
 - b) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be eliminated after construction of the joint use driveway.
 - c) Record a joint maintenance agreement with the deed defining the maintenance responsibilities of the property owners.
4. The approving authority may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.
- E. Emergency Access. All development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- F. Nonconforming Access. Permitted access connections which are in place as of the date of adoption of this Ordinance that do not conform to the standards in this Section shall be designated nonconforming, and shall be brought into compliance with the applicable standards when any of the following occur:
1. A new access connection permit(s) is approved.
 2. Structures or parking areas are enlarged by more than 20% of their respective total area.
 3. A change of use occurs on a specific site(s) which requires review, per the provisions of *Section 6.150: Changes to Uses and Structures*.
 4. A 20% increase in trip generation occurs.
 5. As roadway improvements allow.
- G. Phased Development Requirements. Each phase of a phased development, including the final development, shall be planned to conform to the provisions of this Section.
- H. Double Frontage Lots. When a residential subdivision is proposed that would abut on an arterial, through lots along the arterial shall be

provided with access from a frontage road or interior local street. The access rights of these lots to the arterial shall be dedicated to the City and recorded with the deeds. A berm or buffer yard may be required at the rear of the through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

6.050.040 Access Standards

(NOTE: Access to lots of record existing at time of adoption of this Ordinance shall not be denied. Separation requirements between street intersections are listed in *Section 9.020.020(B)(2): Size*. The following regulations are for non-residential zones.

- A. Separation Standards. Separation between access points is based on the City's preferred spacing standards as specified below in Table 1; however, access separation may be reduced to accommodate characteristics specific to a proposed site and/or use. In cases where separation is reduced below the preferred spacing standard, the reduction shall not be less than the appropriate stopping sight distance standard listed below in Table 2 for arterial and collector streets, unless the approving authority finds that all of the provisions of *Section 6.050.050* below have been met. In no case shall the residential spacing standards for local residential streets listed in Table 3 be reduced.
- B. Vertical and Horizontal Curves. Plans should be checked in both the vertical and horizontal plan for site distance obstructions. If vertical or horizontal curves are located within the City's Preferred Access Separation distance, a licensed professional engineer specializing in traffic shall recommend the spacing standard.
- C. Oregon Department of Transportation (ODOT) Jurisdiction. ODOT access classification systems and standards shall apply to all roadways on the ODOT State Highway System.

Table 1: Preferred Spacing Standards, All Streets

Street Type	Posted Speed (MPH)	Access Separation
Arterial	25 - 40	300 - 600 feet
Collector	25 - 35	150 - 300 feet
Residential	20 - 25	50 feet

Table 2: Stopping Sight Distances, Arterials and Collectors
(Spacing standards based on straight sight lines)

Posted Speed (MPH)	Stopping Sight Distance (feet)
20	125
25	150
30	200
35	250
40	300

Table 3: Residential Minimum Spacing Standards

Local Residential Streets	Spacing
20 - 25 MPH	<ul style="list-style-type: none"> • Interior Lots: 10 feet (shared driveways allowed) • Corner Lots: minimum 5 feet and maximum 10 feet from the interior property line)

6.050.050 Exceptions to Standards

The City may allow a reduction in the required minimum separation distance between access points on arterial and collector streets where such separation is impractical, provided a minimum separation based on safety is maintained and all of the following requirements are met:

- A. Public Safety. A licensed professional engineer specializing in traffic submits proof that a reasonable standard of public safety applies.
- B. Elimination of Replaced Access Points. The property owner enters into an agreement with the City to close and eliminate pre-existing connections on site which are being replaced by the new access point.
- C. Legal Lot(s) of Record. The lot(s) is a legal lot(s) of record.

Section 6.060**DRIVEWAY AND ENTRANCE STANDARDS**

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6.060.010 Purpose

This Section establishes driveway and entrance standards to ensure that traffic congestion and hazards are avoided, vehicular and public safety are protected, and adequate vehicular circulation is maintained at connections to City streets and alleys.

6.060.020 General Standards

(NOTE: *Section 6.050: Access Management* describes spacing requirements between driveways.)

No approach/entrance shall be built closer than 5 feet to any property line except as authorized below in *Subsection 6.060.050: Shared Driveways*. The length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation. In addition, driveways and entrances shall meet the following applicable requirements:

- A. Arterial, Collector, and Commercial/Industrial Local Streets.
1. **Width and Number.** The number of driveways and other access points shall be determined by the City Engineer based on the needs of the property owner, the size, location, and configuration of the property, the adjacent streets and driveways, and other factors as determined by the City Engineer.
 2. **Commercial/Industrial Driveways.** Driveways for properties zoned commercial or industrial can apply for approval for driveways wider than 35 feet upon demonstrating that a need for a wider driveway exists. The applicant must provide a report from a licensed engineer showing that a 35 foot driveway is not sufficient. The applicant must also show the proposed driveway is safe, that the result will be compatible with adjacent properties, and that the driveway location will satisfy the provisions of *Section 6.050.030 C. 1.*
 3. **Angle.** All two-way driveways/entries shall have a right angle intersection with the street. One-way driveways/entries may be placed on a 60 degree angle.
 4. **Maneuvering Within Street.** All drives and entrances shall be designed for forward in/forward out vehicle movement only. No backing movements or other maneuvering within the street

right-of-way are allowed.

B. Residential Local Streets and Alleys.

1. **Width.** No entrance shall be less than 12 feet wide. Driveway width shall be practical to serve the development, and, where determined by the Fire Marshal to be necessary for the purposes of fire fighting and life safety, shall be a minimum of 12 feet wide. Number and width of driveways/entrances shall also be in accordance with the following table:

Frontage	Maximum Width, One Driveway	Maximum Width, Two Driveways
Up to 50 feet	20 feet	Two driveways not permitted
51 to 100 feet	24 feet	15 feet each
Over 100 feet	24 feet	24 feet each

2. **Angle.** All driveways and entrances shall have a right angle intersection with the street, except one-way driveways/entries which may be placed on a 60 degree angle.
3. **Maneuvering Within Street.**
 - a) **1 and 2 Family Dwellings.** 90 degree in/back out vehicular movements will be allowed for single family and duplex dwellings with 4 or fewer parking spaces only. Other angles may be allowed with the approval of the City Engineer, based on unique topographic conditions that may exist on site.
 - b) **Rear Lot Development.** All driveways serving rear lot development shall be designed for forward in/forward out vehicle movement only.
 - c) **Other Permitted Uses.** All drives or entrances accessing uses other than 1 and 2 family dwellings or accommodating groups of more than 4 parking spaces shall be designed for forward in/forward out vehicle movement only. No backing movements or other maneuvering within the street right-of-way will be allowed.

4. Nonconforming Driveways. With approval of the Director, existing nonconforming driveways that cannot practically meet current driveway standards can be approved for a 3 foot wing and reduced minimum width.

C. One Way Driveways:

1. Long driveways will have appropriate signage designating the driveway is one way.
2. Residential Lots on Arterial and Collector Streets. Direct access onto arterial and collector streets in residential zones is discouraged. The preferred order of access is as follows:
 - a) Access from a side street or other existing access point;
 - b) A forward in, forward out arrangement including two driveways, regardless of the size of frontage as stated in Paragraph B above;
 - c) All other possibilities, including backing out, subject to approval by the City Engineer.

6.060.030 Grade

- A. At Sidewalk. Driveway and entrance grade at the sidewalk shall not exceed 2%. Where the sidewalk forms part of the entrance apron, the sidewalk shall bump out around the apron to allow for the 2% grade.
- B. Approach Grade. Approach grades for all driveways on arterial or collector streets shall not exceed 5% for the first 20 feet.
- C. Grade Preferred drive grade is 12% or less.

6.060.040 Surfacing

- A. Drive Pads. Driveway connections to City streets shall be constructed of concrete in accordance with City Public Works Department Standards. Runners are generally not acceptable for use as driveway approaches. Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right of way. Pavement width shall be a minimum of 12 feet. Driveway approaches to alleys may be constructed of concrete, asphalt, pavers, or other hard surface approved by the City Engineer. Gravel alley approaches may be

allowed with the approval of the City Engineer.

B. Driveways Connecting to Arterial and Collector Streets.

1. 0 to 5% Grade. Surface with pavers, asphalt, concrete, chip seal (oil matte), or other surface approved by the City Engineer based on unique topographic conditions.
2. Greater than 5%. Surface with asphalt, concrete, or other surface approved by the City Engineer based on unique topographic conditions.
3. Grades over 10% require prior approval from both the City Engineer and Fire Marshal.

C. Drives and Entrances from Local Streets.

1. 1 and 2 family dwellings. Surface with pavers, asphalt, or concrete, concrete runways (2' 6" wide, runways 2' 8" apart, widened for all turns), chip seal, or other surface approved by the City Engineer, based on unique topographic conditions. Concrete runways shall not be allowed on grades over 5%.
2. All other development. Surface with asphalt, concrete, or other surface approved by the City Engineer, based on unique topographic conditions.
3. Grades over 10% required approval from both the City Engineer and the Fire Marshal.

6.060.050 Shared Driveways

Shared driveways will be encouraged in commercial and industrial zones (in accordance with the provisions of *Section 6.050: Access Management*) in order to minimize the number and width of entrances onto City streets. Shared driveways of up to 30 feet in width may be allowed in residential zones with the approval of the City Engineer.

Section 6.070**MEASUREMENTS**

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6.070.010 Purpose

This Section explains how measurements are made in this Ordinance.

6.070.020 Fractions

When calculations result in fractions the results will be rounded as follows:

- A. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.
- B. Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to 2 allowed dwelling units.

6.070.030 Measuring Distances

- A. Distances.
 2. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 6-1.

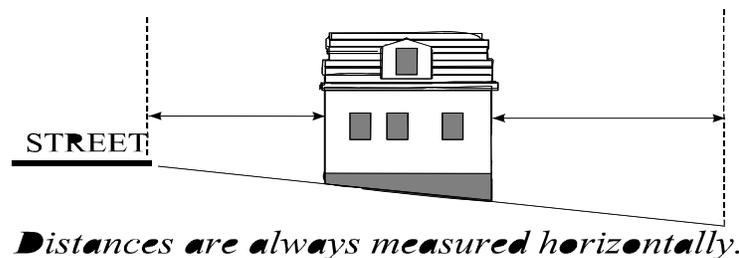


Figure 6-1

2. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 6-2. (Exceptions are stated in *Subsections (B), (C), and (D)* below.)

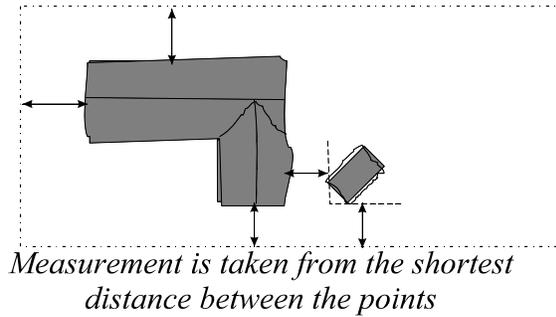
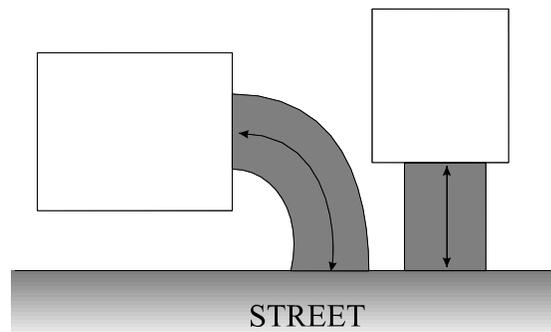


Figure 6-2

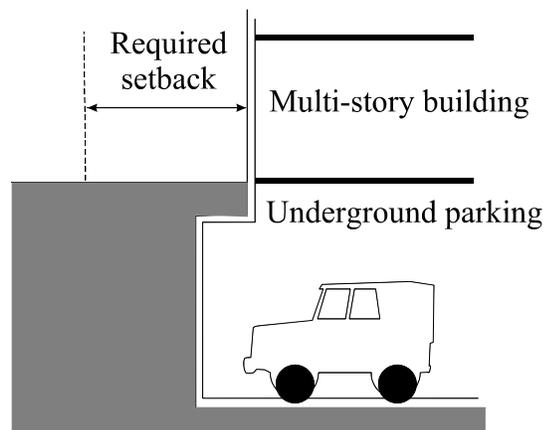
- B. Vehicle Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 6-3.



Measure down the middle of the travel area.

Figure 6-3

- C. Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 6-2 above, and *Section 6.080: Projections Into Yards.*
- D. Underground Structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 6-4.



Measurements do not include underground structures.

Figure 6-4

6.070.040 Determining Zoning Boundaries

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Map, using the center of the zoning line.

6.070.050 Measuring Height

- A. Building Height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code. The height of buildings is the vertical distance above the base point described in Subsections (1) and (2) below. The base point used is the method that yields the greater height of building. All measurements shall be to the highest point of the roof, except for a stepped or terraced building. The height of a stepped or terraced building is the maximum height of any segment of the building.

1. **Base point 1.** Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 6-5.
2. **Base point 2.** Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1. above, is more than 10 feet above lowest grade. See Figure 6-6.

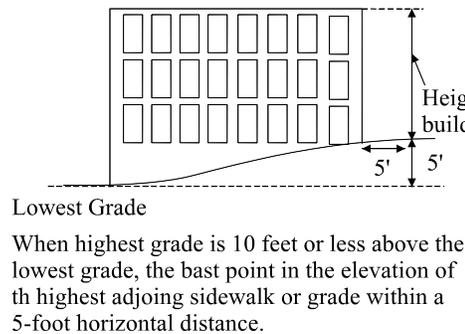


Figure 6-5 (Base point 1)

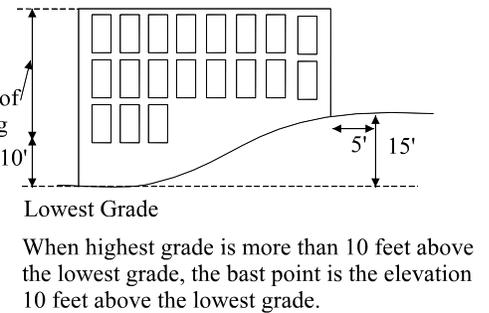


Figure 6-6 (Base Point 2)

- B. **Height of Other Structures.** The height of other structures such as flag poles and communications towers is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided as follows:

1. **Fences and Walls.** Fences, walls, and fences on top of retaining walls are measured from the ground level on the higher side of the fence or wall. See Figure 6-8.

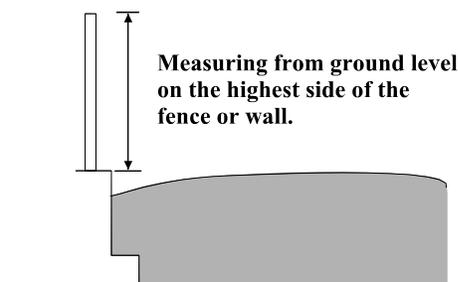


Figure 6-8

2. **Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50% open, and from the ground to the top of the rails for all other situations. (Note: Reference the Oregon Structural Specialty Code for railing requirements.)

6.070.060 Determining Average Slope

When calculating the slope of a lot an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the downhill lot line from the average elevation of the uphill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 6-9.

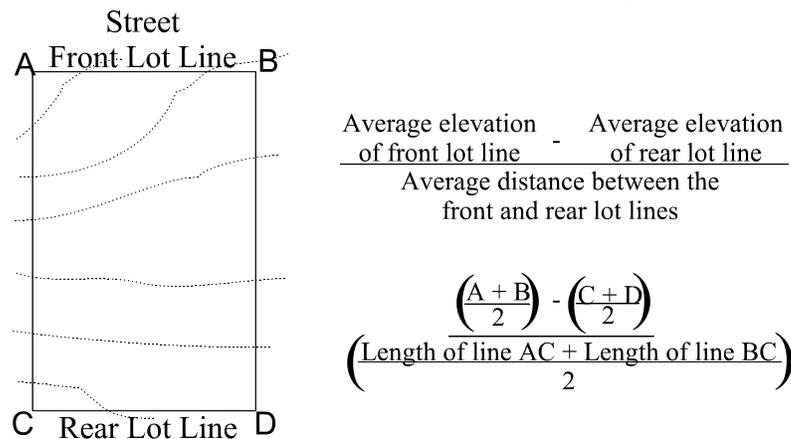


Figure 6-9

6.070.070 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage. See Figure 6-10.

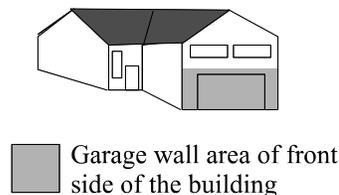


Figure 6-10

6.070.080 Measuring Lot Widths and Depths

Lot widths and depths are measured from the midpoints of opposite lot lines. See Figures 6-11 and 6-12.

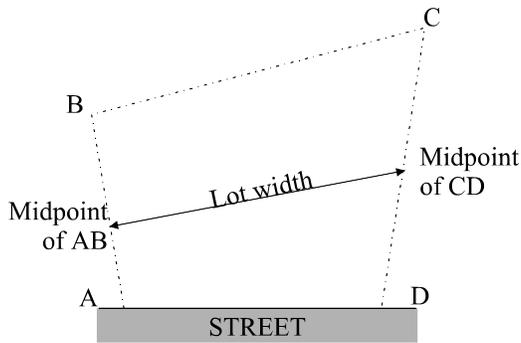


Figure 6-11

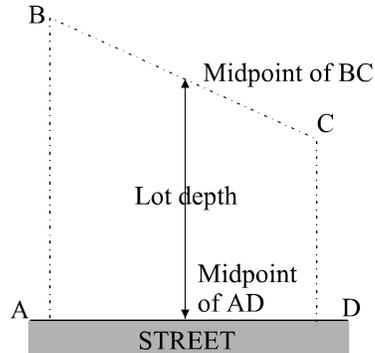


Figure 6-12

6.070.090 Setback Averaging

Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 6-13 on the following page. The following rules apply in calculating the average:

- A. Same Type of Setback. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only garage entrance setbacks can be used to average a garage entrance setback.
- B. Must Abut. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. Vacant Lots. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the required setback for the zone.

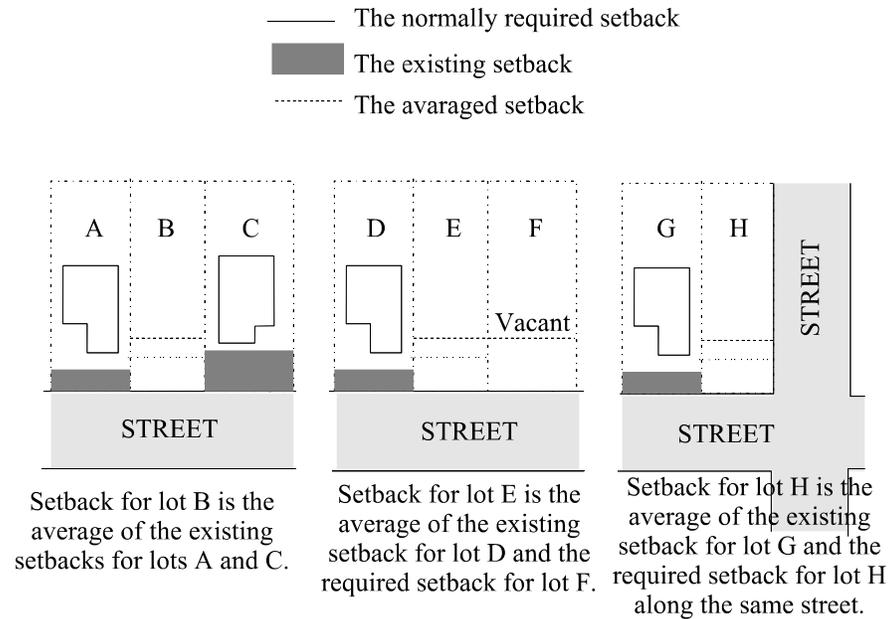


Figure 6-13

6.070.100 Measuring Tree Diameter

Unless otherwise specified in this Ordinance, tree diameter is measured at a height of 5 feet above the ground. In all cases, trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 5 feet, the trunk is measured at its most narrow point below the split.

6.070.110 Survey Requirement

When a building is proposed to be placed close to a required setback, or close to a property line if no setback is required, the City may require the applicant to obtain a survey to locate the property line. In determining whether a survey should be required, factors to be considered include how close the building is proposed to be to the required line, evidence of prior surveys, other indications of the location of the property line, disputes from neighbors, and other relevant factors.

Section 6.080

PROJECTIONS INTO YARDS

Projections from buildings into required yards shall meet the following criteria. See *Section 6.070: Measurements* for measuring requirements.

A. Architectural Features.

2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 feet into a required yard, provided a 30 inch minimum setback is maintained from any property line. Structures that are open on three sides, with a minimal number of support beams, are subject only to the setback requirements of Section 6.080(A)(2), and are exempt from the provisions of Section 6.080(A)(3).
3. Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons or property of any kind.
4. No architectural features shall be located within the vision clearance area, per the provisions of *Section 6.100: Vision Clearance*.

B. Porches, Terraces, Decks, Balconies, Patios, and Fire Escapes.

2. **Front and Rear Yards.**

- a) Porches, terraces, decks, patios, and balconies that are limited in elevation to the first floor of the building may project or extend into a required front or rear yard up to 5 feet from the property line.
- b) Fire Escapes may project into the front or rear yard up to 5 feet from the property line.

3. **Side Yards.**

- a) Porches, terraces, decks, patios, and balconies less than 10 inches above grade may project or extend into a required side yard up to the property line.

- b) Uncovered terraces, decks, patios, and balconies greater than 10 inches above grade, and fire escapes may project or extend into a required side yard up to 3 feet from the property line.

Section 6.090

HEIGHT LIMITATION EXCEPTIONS

A. General.

1. Except for the requirements of Subsection (B) below, height limitations shall not apply to grain elevators or water towers.
2. Except for the requirements of Subsection (B) below, height limitations shall not apply to Wireless Communication Facilities, which are instead subject to the requirements of *Section 6.140: Wireless Communication Facilities.*
3. In non-residential zones, except for the requirements of Subsection (B) below, necessary roof structures, elevator shaft housings, towers (except wireless communication towers), steeples, aerials, smoke stacks, solar or wind energy devices, and other similar objects (except flagpoles, which are described below in Subsection (4)) not used for human occupancy with a height limit, measured from the adjacent grade, of 75 feet or less are not subject to the zone district height limits. Where the structure exceeds 75 feet, a conditional use permit shall be required, per the provisions of *Section 3.050: Conditional Use Permits.* The structure in question shall be considered a permitted conditional use for purpose of the required conditional use permit application. In residential zones, typical roof structures such as chimneys and vents are allowed over the height limitation.
4. Flagpoles shall be limited in height to the greater of 20 feet or 110% of the maximum height of the primary structure.

- B. Airport Protection. In order to insure safety in the operation of public-use airports, no structure, object or natural growth shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of Federal Aviation Regulations (FAR) Part 77. Variances may be granted only after approval by the Federal Aviation Administration (FAA) and the Oregon Aeronautics Division of the Oregon Department of Transportation.

Section 6.100

VISION CLEARANCE

<u>Subsection</u>		<u>Page</u>
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6.100.020	Exemption	6-63
6.100.030	Clear Vision Areas	6-63
6.100.040	Clear Vision Requirements	6-64
6.100.050	Clear Vision Easements	6-64

6.100.010 Purpose

Vision clearance areas shall be provided on all lots and parcels located at corner intersections of all streets, and at intersections of alleys with streets, to promote pedestrian, bicycle and vehicular safety.

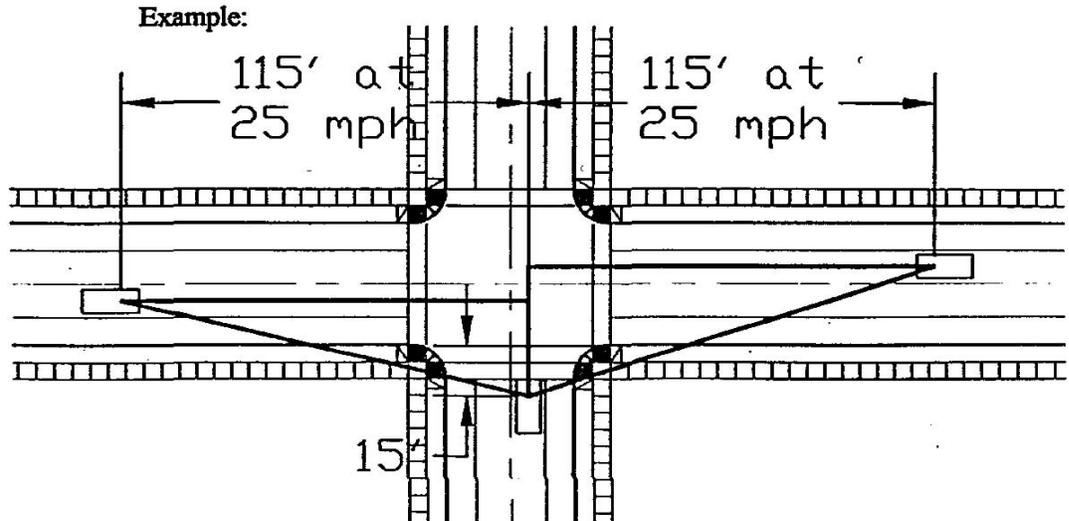
6.100.020 Exemption

Vision clearance at street intersections and alley intersections with streets shall not be required in the CBC - Central Business Commercial District.

6.100.030 Clear Vision Areas

A clear vision area shall be the area on private property which falls within the clear vision triangle. The clear vision triangle shall be formed on 2 sides by the sight lines of the driver in a vehicle at a stop sign. (The third side of the triangle connects the 2 sight lines.) The distance of the sight lines is relative to the posted speed limit and specified below. On controlled intersections, the position of the driver shall always be assumed to be 15 feet back from the line of the intersecting street at intersections of streets with streets, and 10 feet back from the line of the intersecting street at intersections of alleys with streets. Where intersections are uncontrolled, the position of the driver shall also be the sight distance back from the extended intersection. Stop control is required on the minor intersecting street, and is assumed on intersecting alleys and driveways.

- A. Residential Street Intersections (25mph). Clear vision areas shall be formed by sight lines measured back 115 feet from the position of the driver.



- B. Minor Collector Street Intersections (25-35 mph). Clear vision areas shall be formed by sight lines measured back 115 feet from the position of the driver where the speed limit is 25 mph, 130 feet from the position of the driver where the speed limit is 30 mph., 160 feet from the position of the driver where the speed limit is 35 mph.
- C. Major Collector and Arterial Street (25-40 mph). Clear vision areas shall be formed for the speed limits listed in (A) and (B) above, and by sight lines measured back 180 feet from the position of the driver where the speed limits is 40 mph.

6.100.040 Clear Vision Requirements

Vision clearance areas shall contain no plantings, fences, walls, screens, structures, or permanent or temporary obstructions exceeding 24 inches in height, measured from the top of the pavement, with the following exceptions:

- A. Trees. Trees are allowed in the clear vision area only when all branches and foliage are removed from the trunk to a height of 9 feet above the top of the curb.
- B. Other. Traffic control devices, street lights, signs erected for public safety, and utility installations meeting the approval of the City Engineer.

6.100.050 Clear Vision Easements

Vision clearance easements shall be required on corner properties at intersecting streets for all new development. The vision clearance easement area shall be determined per the provisions of *Section 6.100.030* above. Once determined, the vision clearance easement shall be granted to the City, deed recorded, and shown on the plat or parcel map as an easement for vision clearance.

Section 6.110

WAIVER OF RIGHT TO REMONSTRATE

Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit, or a single family accessory structure, will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for non-residential planning actions and for other building permit applications if the proposed development would increase traffic flow on any street not fully improved to City standards. Waiver of remonstrance agreements executed prior to February 12, 2007, shall be processed pursuant to the provisions of General Ordinance No. 91-1127, which set forth the procedures for formation of local improvement districts.

Section 6.120**MANUFACTURED DWELLINGS**

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6.120.030	Residential Trailers and Mobile Homes	6-71
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6.120.010 Purpose

This Chapter describes the different types of manufactured dwellings and their location and siting requirements.

6.120.020 Background

Manufactured dwellings fall into three categories: residential trailers, mobile homes, and manufactured homes (see *Chapter 2: Definitions*). Buildings and structures subject to the State of Oregon Structural Specialty Code (i.e. modular structures) or those identified as recreational vehicles by the manufacturer are not considered manufactured dwellings. For the purposes of this Ordinance, manufactured dwellings shall be divided into two categories: residential trailers/mobile homes, and manufactured homes. Different requirements apply to each category per State law and these regulations.

6.120.030 Residential Trailers and Mobile Homes

- A. Location. Residential trailers and mobile homes shall only be located in the RM – Medium Density Residential zone district, except where permitted as a temporary on-site construction office, or as an approved dwelling for care-taking, maintenance or security personnel.
- B. Set-Up. The minimum set-up, stand, anchoring, and skirting requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division.
- C. Patios, Awnings and Carports. All single wide mobile homes, excluding residential trailers, shall have at least 1 patio or porch awning, or a carport, constructed of light-weight manufactured materials and anchored to the ground and the awning track of the mobile home. (Single wide mobile homes in Manufactured Dwelling Parks shall be exempt from this requirement.)
- D. Exterior Requirements.
 - 1. Where metal skirting is used, the material shall be painted and formed in a manner complimentary to the siding of the residential trailer/mobile home.
 - 2. The color and pattern of any patios, decks, awnings, carports, and other structures shall be coordinated with the subject dwelling, and all metal and wood surfaces shall be painted.

- E. Insignia of Compliance for Mobile Homes. All mobile homes shall bear an “Insignia of Compliance” as provided by Oregon State Law. However, the Director may waive this requirement for units constructed prior to January 1, 1962, or for units constructed outside of the State of Oregon, provided that evidence is submitted indicating that the unit substantially complies with Oregon State laws.

6.120.040 Manufactured Homes

In addition to the following, manufactured homes shall comply with all of the requirements of this and other City Ordinances that would apply to a conventional single-family residential dwelling on the same lot:

- A. Location.
1. Manufactured homes shall be an allowed use on all land where single family residential uses are allowed, except areas designated as historic districts, and residential land immediately adjacent to a historic landmark.
 2. This section shall not be construed as abrogating a recorded restrictive covenant
- B. Set-up.
1. RM – Medium Density Residential District. The minimum set-up and stand requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division, at the time the home is placed.
 2. All Other Zone Districts (Excluding RM). Manufactured homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter. The enclosing material used shall be in compliance with the appropriate Oregon State Structural Specialty Code regulations in effect at the time of home placement.
- C. Home Size. All manufactured homes on individual lots meet the following minimum requirements (manufactured dwellings in mobile home parks are exempt from these home size provisions):

1. RL - Low Density Residential District. Double wide or wider (multi-sectional), 1,000 square feet of livable floor area.
 2. RH - High Density Residential District. Double wide or wider (multi-sectional), 900 square feet of livable floor area
 3. RM – Medium Density Residential District. Single wide or wider.
- D. Roof Pitch. The minimum roof pitch shall be 3 feet in height for each 12 feet in width.
- E. Building Exterior. Exterior roofing and siding shall be similar in color, material and appearance to roofing and siding commonly used on new site built dwellings within the community. Bare metal siding and roofing is prohibited.
- F. Garages and Carports. In the RL - Low Density Residential and RH - High/Medium Density Residential zone districts a garage shall be required when more than 50% of the houses on the subject block (both sides of the street) have existing garages, and a carport required when more than 50% of the houses on the subject block (both sides of the street) have existing carports. Garages and carports shall be constructed of materials similar to the manufactured home.
- G. Landscaping. Landscaping shall meet the requirements of Section 6.010.020.

Section 6.130**TEMPORARY FAMILY HARDSHIP EXEMPTION**

<u>Subsection</u>		<u>Page</u>
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6.130.030	Review Procedures	6-77
6.130.040	Review Criteria	6-78
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6.130.010 Purpose

The purpose of this Section is to permit the temporary siting of a manufactured dwelling or recreational vehicle (RV) on a developed single family lot when it can be shown that a family member must be near another family member in order to receive adequate care for a physical or mental impairment, infirmity or other disability.

6.130.020 Exclusion

This hardship exemption shall not apply to properties located within established Historic Districts.

6.130.030 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, applications for hardship exemptions shall be accompanied by a site plan indicating all existing and proposed building footprints and uses, distances between existing and proposed buildings, setback distances from all property lines, and existing and proposed driveways, accessways and off-street parking.
- B. Review. Applications for hardship exemptions shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*.
- C. Time Limit. A temporary family hardship permit shall be valid for one year from the date permit is issued, or until the hardship ceases to exist, whichever comes first, subject to renewal as specified below in *Subsection (D)*.
- D. Renewal. Hardship permits may be renewed annually. At least 45 days prior to the expiration of the permit, a hardship permit holder seeking renewal shall submit a renewal application with the required fees. The renewal applications shall be processed in the same manner as the initial application.

6.130.040 Review Criteria

A temporary hardship exemption permit shall be granted only if all of the following criteria are met:

- A. Need. A written communication is submitted to the Department from a physician, therapist, or professional counselor which provides satisfactory evidence that the family member on whose behalf the hardship permit is being sought is suffering either a physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member in order to receive adequate care.
- B. Residential Property. The lot on which the temporary manufactured dwelling would be placed is a permitted or legal non-conforming single family lot of record.
- C. Single-wide. The temporary manufactured dwelling is limited to a single-wide structure with no more than 2 bedrooms and 800 square feet of livable floor area.
- D. Setbacks. The temporary dwelling shall be setback a minimum of 10 feet from the primary dwelling and all interior and exterior lot lines.
- E. Location.
 - 1. The temporary manufactured dwelling shall be located to the rear of the primary dwelling (except on corner lots).
 - 2. Only self-propelled RVs may be located within designated easements.
- F. Access. The property owner shall maintain a pedestrian and vehicular access drive to the temporary manufactured dwelling (capable of supporting the weight of emergency vehicles) for the purpose of emergency access and future removal of the manufactured dwelling.
- G. Placement.
 - 1. The temporary manufactured dwelling shall not be placed on a permanent foundation, but shall meet all set-up requirements of the State of Oregon.
 - 2. Permanent grading and/or filling is not permitted in order to accommodate the hardship dwelling, however a maximum of 12 inches of cut and/or fill is allowed for minor leveling.

3. Dwellings and vehicle on wheels shall have their wheels adequately blocked to prevent movement.
- H. Screening. The temporary manufactured dwelling shall be screened from abutting properties with a 75% opaque site-obscuring wall or fence 6 feet in height, or vegetation at least 6 feet in height. (This requirement can be met by existing or new materials.)
- I. Skirting. The temporary manufactured dwelling shall be skirted with material which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.
- J. Water and Sanitary Sewer. The temporary manufactured dwelling shall be connected to an on-site water and sewer system which serves the existing dwelling on the same lot. These connections shall be approved by the Public Works Director.
- K. Storm Water Management.
1. The grade shall slope away from hardship dwellings to prevent puddling underneath the dwelling.
 2. Storm water runoff from the hardship dwelling shall not flow onto adjacent properties or the public right-of-way.
 3. For properties located within the areas designated A1 or A2 on The Dalles Landslide Hazard Study Map (Plate 3), storm water runoff from the hardship dwelling shall be disposed of in the storm sewer where one exists to serve the subject property.
- L. Federal, State and Local Regulations. Construction and installation of plumbing, gas, piping, electrical equipment, wiring, foundations, tie-downs, over-the-top ties, and skirting shall comply with all applicable federal, state, and local rules, regulations, and laws.
- M. Smoke Detectors. The hardship dwelling shall have at least one functioning smoke detector.
- N. Flood Hazard. The temporary manufactured dwelling shall comply with all applicable federal, state, and local flood hazard area rules and regulations.

- O. Removal. Within 60 days of the date that the hardship for which the permit has been issued ceases, the temporary manufactured dwelling shall be disconnected from the sewer system and all other utilities and removed from the lot.

- P. Manufactured Dwellings. In addition to the other requirements of this Section, the temporary manufactured dwelling must be either a recreational vehicle or a manufactured dwelling as defined in *Chapter 2 - Definitions*.

6.130.050 Performance Contract

- A. Contract. Prior to issuance of a hardship permit, the compliance with approval criteria and adherence to an approved site plan shall be guaranteed by a performance contract binding upon the applicant and the applicant's successors in interest. The performance contract shall be prepared by the City Attorney and executed by the applicant and the City, and a memorandum thereof filed by the City with the Wasco County Clerk.

- B. Violations. If the applicant violates or fails to comply with any of the provisions of the performance contract or approved application, the City may invoke the enforcement procedures provided in the contract, or under applicable law, or both.

Section 6.140**WIRELESS COMMUNICATION EQUIPMENT**

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6.140.010 Purpose

This Section provides siting standards and review procedures for wireless communications facilities locating within the City of The Dalles and within the Urban Growth area administered by the City of The Dalles. The siting standards and review procedures are intended to:

- A. Regulate the placement, appearance, and number of wireless communications facilities.
- B. Ensure that the citizens of The Dalles have access to a variety of wireless telecommunications systems and providers.
- C. Reduce the visual impact of certain wireless telecommunications facilities by encouraging co-location.
- D. Establish a graduated system of review that will expedite facilities placement in preferred locations.
- E. Implement the applicable provisions of the federal Telecommunications Act of 1996.

6.140.020 Exclusions

The following uses and activities shall be exempt from these regulations:

- A. Existing towers and antennae, and any repair or maintenance of these facilities which does not create a significant change in visual impact.
- B. Ham radio towers, citizen band transmitters and antennae.
- C. Microwave dishes.
- D. Antennae and associated equipment and other apparatus located completely within an existing structure the purpose of which is to enhance or facilitate the communication function of other structures on the site.
- E. Federal, state, and local government facilities used for emergency communications.

6.140.030 Facility Type and Review Procedure by Zone

The following table describes the type of wireless communication facility and review procedure by zone. The placement, construction, and/or modification of wireless communication facilities is subject to review and approval as indicated below. The two options for review and approval are AA - administrative action, per *Section 3.020.040: Administrative Actions* or CUP - conditional use permit, per *Section 3.050: Conditional Use Permits*. NP indicates the type of antenna or support structure is not permitted. Overlay zones are subject to the requirements of the underlying zone.

Antenna or Support Structure	Zone District			
	RL/RH RM/CN	CBC/CG/ CR/CFO	I/CLI	P/OS
Antenna attached to existing structures (i.e. buildings, water towers, or other support structures)	AA	AA	AA	AA
Monopoles - maximum height of 35 ft.	CUP	AA	AA	CUP
Monopoles - 36 ft. to 70 ft. in height	NP	CUP	AA	CUP
Monopoles - Greater than 70 ft.	NP	CUP	CUP	CUP

6.140.040 Historic Districts and Structures

- A. Facilities Greater than 35 Feet in Height. Wireless communication facilities greater than 35 feet in height shall not be permitted within or adjacent to designated historic districts, nor on or adjacent to designated historic structures.
- B. Facilities Less than 35 Feet in Height. Wireless communication facilities less than or equal to 35 feet in height which are proposed to be placed within or adjacent to designated historic districts, or on or adjacent to designated historic structures shall be processed as follows:
 1. The application for the facility shall be a conditional use permit application, per *Section 3.050: Conditional Use Permits*.

2. Prior to the Planning Commission quasi-judicial hearing, the Historic Landmarks Commission shall first hold a public hearing to review the application and make a recommendation, with any conditions, to the Planning Commission.
3. The Historic Landmarks Commission's recommendation shall be included in the Department's staff report and shall become a part of the official record.

6.140.050 Applications

In addition to the requirements of *Section 3.010: Applications*, applications for siting wireless communication facilities shall be accompanied by the following as appropriate:

1. Existing Structures Analysis. An evaluation of the feasibility of either locating the facility on an existing building or structure, or co-locating the subject facility with other facilities on an existing monopole as an alternative to the requested permit. The existing structures analysis must include:
 - a) The location and ownership of existing telecommunications structures within the cell service area (not to exceed 2 miles).
 - b) Written verification and other documentation revealing the availability of existing sites/facilities/structures and/or cooperation shown by other providers to gain access to existing sites/facilities/structures which will meet the needs of the applicant.
 - c) The tower type and height of potential co-location facilities and/or the height of other potential support structures.
 - d) Where appropriate, the specific reasons why co-location is not feasible.
2. Alternatives Sites. Alternative site locations within 250 feet of the proposed site.
3. Visual Impacts Analysis. An analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site and an assessment of potential mitigation measures, including relocation.

4. Other. Other information determined by the Director to be relevant to the subject application.

6.140.060 Review Criteria

The following review criteria shall be used to approve, approve with conditions, or deny applications for wireless communication facilities based on the following criteria. Applications processed as conditional use permits shall also meet all requirements of *Section 3.050: Conditional Use Permits*:

- A. Co-location. Co-location on existing wireless communication facilities within the cell service area of the proposed site is not feasible.
- B. Future Use. If feasible, the wireless facility shall be located and designed to preserve the ability for co-location of at least 1 additional user on all support structures exceeding 35 feet in height.
- C. Visual Impacts. Based on the visual analysis and mitigating measures, the location and design of the facility shall minimize visual impacts using setbacks, color, camouflaging techniques (stealth), and landscaping as appropriate.
- D. Adverse Impacts. The design minimizes identified adverse impacts of the proposed use to the extent feasible.
- E. Site Size. A new facility shall be sited on a parcel of a size and shape that complies with the following criteria:
 1. Setbacks. The tower foot print shall be set back at least two thirds the tower height from any property line. This setback may be reduced when the applicant demonstrates all of the following as appropriate
 - a) The shape or configuration of the parcel prevents compliance with the setback standard, or a reduction in setbacks is necessary to take advantage of screening opportunities (such as tall trees, tree groves, buildings, or other tall elements) not available within the required setback.
 - b) The reduction in setback is the minimum required to best camouflage the facility.
 - c) Adequate clearance between the facility and the property lines can be provided to accommodate landscaping and fencing.

- d) The reduction in setback will not cause a greater visual impact to adjacent uses.
2. Tower Pad. The tower pad shall be sited in a location that permits additional expansion to accommodate future co-located ancillary facilities. The tower shall be located on the pad so as to provide a maximum flexibility for future co-location. This standard shall not apply to antennas attached to existing structures or towers located on roof tops.
 3. Engineering Analysis. A licensed structural engineer's analysis shall be submitted to demonstrate that the potential impact of tower failure and ice falling from the tower shall be accommodated on site.
- F. Monopole Spacing. No new monopole shall be allowed within 2,000 feet of an existing pole, except where, in the opinion of the approving authority, a clustering of poles reduces their potential visual impact.
- G. Federal Aviation Administration (FAA) Requirements. In order to insure safety in the operation of public-use airports, no structure shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of the Federal aviation Regulations (FAR) Part 77. An exception to this requirement may only be granted after approval by the FAA and the Oregon Aeronautics Division of the Oregon Department of Transportation.
- H. Lighting. None allowed except as required by the FAA.
- I. Fencing and Security. Monopoles and ancillary facilities shall be enclosed by a 6 foot security fence.
- J. Landscaping and Screening. Landscaping shall be reviewed on a case by case basis to determine the amount of screening necessary for the particular site. In every case, landscaping shall be placed outside of any fencing and shall reasonably screen the facility by subject zone district standards.
- K. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBA when adjacent to residential uses and 55dBA in other areas.

6.140.070 Removal of Antennas or Support Structures

Any antenna or wireless facility support structure that is not operated continuously for a period of 12 months shall be removed by the owner or lessee of the wireless communication support structure or antenna, or the owner of the property on which the antenna or support structure is located within 90 days of receipt of notice to remove from the City. If the antenna or support structure is not removed within 90 days, the City may remove the antenna or support structure at the owner's expense.

6.140.080 Financial Guarantee

A condition of approval for all monopoles shall be that the applicant post a financial guarantee in the amount and form approved by the City Attorney to ensure the proper removal of a facility when required by *Section 6.140.070* above. The owner of multiple facilities may satisfy these requirements by an appropriate single instrument.

Section 6.150**CHANGES TO USES AND STRUCTURES**

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6.150.010 Purpose

The purpose of this Section is to clarify the degree of structural or use changes proposed for a particular site, property or development which triggers a land use process. For the purposes of this Section, a land use process means either bringing the development into conformance with the current requirements of this and other City Ordinances or the filing of an application for a ministerial permit, planning action, or legislative action with the Department, or both.

6.150.020 Changes in Use

Unless this ordinance provides for an exemption for any specific requirement, the following shall apply to all proposed changes in use of structures, land, or other development:

- A. Use Determination. The owner or developer shall complete and submit a Proposed Change of Use Application. The approving authority shall determine intensity, similarity, or difference of a proposed use based on the following criteria:
 - 1. Use type.
 - 2. Size and/or type of products or services.
 - 3. Parking and loading needs.
 - 4. Off-site impacts and nuisance conditions.
 - 5. Traffic generation.
- B. Similar Uses. A use change to a similar use shall not require an application review procedure unless warranted by changes to the structure as specified in *Section 6.150.030* below. An example of a change to a similar use would be a clothing store changing to a shoe store or other similar retail.
- C. Intensity of Use.
 - 1. A proposed change of use which is a permitted use, and which is a less intense use, shall not require an application review procedure, unless warranted by changes to the structure as specified below. Generally in land use, low density residential is the least intense use and industrial development is the most intense use.

2. A proposed change of use which is a permitted use, and which is a more intense use, shall require an application review procedure.

6.150.030 Changes to Structures

- A. Size of Change. Any change which results in an increase of more than 20%, which is also at least 500 square feet, of the structure's footprint shall require the appropriate application review procedure as specified in this Ordinance. Additions of 1,000 square feet or more shall require the appropriate application review regardless of the percentage increase.
- B. Non-conforming Structures. Structures which are considered legal non-conforming structures in terms of current ordinance requirements shall not increase any non-conformance with a proposed physical change.
- C. Approving Authority Determination. It shall be the responsibility of the approving authority to determine the similarity of uses for use changes, and the percentage footprint increase for changes to structures.

See Section 10.030(A) for damage caused by an act of God.

6.150.040 Modification of a Structure Housing a Nonconforming Adult Business

Any modification to a structure or surrounding properties utilized by an adult business shall be governed by the provisions of Section 6.150 of General Ordinance No. 98-1222.

Section 6.160**LIMITATION ON USES**

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6.160.010 Uses Allowed

- A. General. Uses allowed in a zoning district are limited to those listed in the code for that district, or authorized by an interpretation of the Director as provided for in Section 1.090. Uses not listed in a zone, including temporary uses, are not allowed.
- B. Intermodal Cargo Containers. Intermodal Cargo Containers are allowed in the CG-General Commercial District, in the CLI-Commercial/Light Industrial District, in the CR-Commercial Recreational District subject to the following conditions:
1. Each container shall obtain a building permit.
 2. Each container shall be screened per the provisions of section 6.010.050.
 3. Each container shall be painted and maintained in good condition, including being rust free.
- C. Temporary Use. Intermodal Cargo Containers are allowed temporarily in all zones without having to comply with section 6.160.010 B.
- D. Intermodal Cargo Containers are allowed in the I-Industrial District so long as they meet all State of Oregon building permit requirements and are painted and maintained in good condition, including being rust free.

6.160.020 Specific Uses not Allowed

In addition to the provisions of 6.160.010, the following uses are not allowed:

- A. Intermodal cargo containers used as storage units, except as provided for in section 6.160.010.
- B. Christmas tree sales on residential property.

6.160.030 Laydown Yard

1. Purpose. A laydown yard is intended for construction equipment and material only. It is different from a contractor storage yard in that all items are in active use on off-site projects. An off-site laydown yard, in addition to those on or adjacent to a construction site, is allowed in the I-Industrial and CLI-Commercial/Light Industrial zones without obtaining land use approval, so long as criteria 2 through 7 are continually met.

2. A proposed laydown yard shall be associated with one or more specific projects with an approved building permit issued for grading, construction, remodel or demolition, an approved land use decision, or pending application for a building permit or land use decision.
3. A laydown yard is not a substitute for a contractor storage yard. At any time the property owner may convert the laydown yard to a contractor storage yard by obtaining a Site Plan Review decision and completing the conditions of approval. If items are kept on site continuously for more than 8 months, the City may determine that a laydown yard no longer exists.
4. Laydown yards shall be supervised by the property owner who will be responsible for enforcing compliance with these standards.
5. Where curbs exist, the contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access. Dust and erosion control shall be in place to confine these materials to the subject property. Noise, vibration, dust, and odors cannot exceed local, state, or federal regulations.
6. The owner of the property shall complete and file at the Community Development Department Office in City Hall a Laydown Yard Report, on a form provided by the City, at the time of the start of the laydown yard, and on April 30, August 31, and December 31 of each year so long as the laydown yard continues.
7. Notwithstanding the provisions of the Ordinance adopting the Transportation System Development Charges (SDC), for this use only, the property owner shall pay annual Transportation SDC fees, at 5% of the full rate.

Chapter 7**PARKING STANDARDS**

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Section 7.010

PURPOSE

This Chapter describes off-street parking and loading standards and requirements. Off-street parking and loading shall be provided for all development requiring a building permit, except as exempted in this and other Sections of this Ordinance. No structures or buildings shall be occupied or used in any manner until all required parking areas are completed per approved plans, and ready for use as certified by the Director.

Off-street parking and loading areas shall be satisfactorily maintained, per the requirements of this and other City Ordinances, by the owner of the property for each building, structure, or use which is established, constructed, or altered.

Vehicle access and circulation related to off-street parking and loading areas shall encourage smooth traffic flow with minimum hazards to pedestrian, bicycle, and other traffic. Access to, and through parking and loading areas for bicycles and pedestrians shall be by safe, direct, and convenient routes. Accommodations for safe intersections of bicycle and/or pedestrian routes with vehicle routes shall be provided. Safe and convenient vehicle routes for service vehicles and fire, life safety and other emergency vehicles shall also be provided.

This Chapter sets minimum and maximum off-street parking requirements. Nothing in this Ordinance requires more than the minimum required off-street parking so long as no public safety hazards are created.

Section 7.020**GENERAL PROVISIONS**

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7.020.010 Applicability

The provisions in this Chapter apply to all permit and development applications, including but not limited to new development and/or additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.

7.020.020 Vehicle Parking Plan Requirements

A vehicle parking plan, drawn to a scale of 1 inch equals 50 feet (1:50) unless otherwise approved by the Director, shall accompany all development permit applications, except those for one and two family structures (which are subject to the appropriate requirements of *Section 6.060: Driveway and Entrance Standards*), and those applications which will not increase or decrease the off-street parking requirement, not change the parking area configuration, nor increase the total building footprint(s) by 10% or less. The plan shall show those elements necessary to indicate that the requirements of this Ordinance are being met. The plan shall include, but not be limited to, the following:

- A. A delineation, including dimensions, of all individual parking spaces, planting bays, walkways and islands.
- B. Safe, logical and consistent site circulation routes, including delineation of all structures and any obstacles to circulation on the site. (All circulation systems shall be designed to avoid conflicts between bicycles, pedestrians, and vehicles.)
- C. Access.
- D. Curb and curb cuts.
- E. Location and type of screening materials where required.
- F. Location and type of landscaping and parking lot trees where required.
- G. Information on abutting land uses, including location of curb cuts, existing cross access, structures and uses, and travel demand where appropriate.
- H. Grading, drainage, surface and retaining wall details.
- I. Location, type, and height of lighting fixtures.

- J. Location and details of signs, pavement markings, and bumper guards which protect sidewalks, walkways, and property lines.
- K. Accessible walkways and type and location of ramps, driveways, and other accessway crossings, including connections to buildings and sidewalks.
- L. Bicycle parking areas.
- M. Location of wheel stops where included.
- N. Location of area specified for the deposit of plowed snow.
- O. Location of, and circulation route to garbage disposal area.
- P. Location, dimensions, and surfacing of passenger and delivery loading areas.

7.020.030 Location and Use of Motor Vehicle Parking

- A. Location. All vehicle parking spaces shall be on the same lot as the main structure they serve or on an abutting lot. However, if the applicant demonstrates that parking on the same lot is not available, the approving authority may authorize the parking spaces to be on any lot within 1000 feet walking distance from the use being served, upon written findings of compliance with the following provisions:
 - 1. There is a safe, direct, and lighted pedestrian route between the vehicle parking area and the use being served.
 - 2. There is an assurance in the form of a City Attorney approved deed, lease, contract or similar document that the required spaces will continue to be available for off-street parking use according to the required standards.
 - 3. Loading areas and delivery vehicle maneuvering areas shall be located only on or abutting the property served.
 - 4. Land devoted to off-site vehicle parking facilities is calculated as part of the total land area of the development proposal when determining minimum and maximum land use intensities and the number of dwelling units allowed.

- B. Use. Required vehicle parking shall be available for the parking of operable automobiles and bicycles of residents, customers and employees and shall not be used for storage and/or sale of vehicles, materials, or for the parking of trucks or other equipment used in conducting the business or use. A required loading space shall not be used for any other purpose than immediate loading or unloading of goods or passengers, as appropriate.

7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions

- A. Right of Development. A reduction of up to 10% of the minimum off-street vehicle parking requirements established in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*) is allowed as a right of development for all non-residential uses.
- B. Reductions for Bicycle Parking. Off-street motor vehicle parking requirements for non-residential uses established in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be reduced by 10% in addition to the reductions allowed in *Subsection (A)* above, if replaced by bicycle parking over the amount required in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, at the rate of 1 bicycle space for 1 vehicle space.
- C. Reductions for Existing Uses. Property owners of existing non-residential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards established in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* as provided below:
1. When expansion of floor area and/or redevelopment of the site necessitates or creates an opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in *Subsections (A)* and *(B)* above.

2. Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of *Section 3.050: Conditional Use Permits*.
 - a) The enlargement, modification or use change does not displace any existing off-street parking.
 - b) The proposal is not for an existing non-conforming use.
 - c) The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.

3. Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:
 - a) Additional landscaping equal to the square footage of the parking space reduction.
 - b) On-site, publicly accessible pedestrian plazas, seating areas, shelters and/or walkways (in addition to required walkways).
 - c) Bicycle parking in addition to the number of bicycle parking spaces required in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*. New bicycle parking shall conform to the design standards contained in *Section 7.040: Bicycle Parking Design Standards*.

- D. Off-Street Parking Waiver. Minimum off-street parking spaces required by *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be waived for the following:
 1. The property is located within the boundaries of a legally adopted parking assessment district that provides district-wide parking facilities.
 2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in *Section 5.050.020: Sub-Districts*.

- E. Non-Surface Lot Exemption. Motor vehicle parking located within, above, or beneath the building(s) it serves, or within a parking structure, is not counted toward the maximum parking limit, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, for the use served.
- F. Parking Management Plan. The off-street parking requirements in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be reduced or added to based on an approved parking management plan submitted by the applicant which adequately demonstrates that the plan will meet the parking needs of the proposed project without negative impact to adjacent uses. The approving authority shall approve, approve with conditions, or deny the parking management plan. The parking management plan must include the following and be prepared by a licensed professional engineer:
1. A parking demand analysis for the project.
 2. A project vicinity off-street parking supply and demand analysis.
 3. A shared parking analysis.

7.020.050 Modifications or Expansions of Existing Uses

Except as specified in *Section 7.020.04 (C)(2)* above, where off-street parking is required by this Ordinance no use of land, building or structure shall be modified or enlarged without inclusion of the required motor vehicle parking and bicycle spaces for the expansion, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, and all applicable requirements for off-street loading, per *Subsection 7.030.060: Passenger Drop-Off and Loading Zones*. All new parking spaces shall conform to the standards and provisions of this Chapter, and the requirements of the Oregon Americans With Disabilities Act.

7.020.060 Shared Parking

Two or more freestanding uses on the same, adjacent or nearby sites may satisfy the motor vehicle parking requirements of *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* by the use of a shared parking facility. Applicants taking advantage of this provision are not eligible for the parking reductions per *Subsections 7.020.040 (A), (B) and (C)* above. Shared parking is an option to the extent that the owners or operators proposing the shared parking can demonstrate the following:

- A. Facility Size. The size of the proposed shared parking area shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.
- B. Space Requirements. There are enough parking spaces to satisfy the minimum requirements, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, of all uses proposing to share the facility, **or** the owners or operators can show that the demand for parking in the shared facility does not materially overlap (uses primarily of a nighttime versus daytime, or weekday versus weekend nature).
- C. Written Instrument. A right of shared use shall be evidenced by a City Attorney approved deed, lease, contract, or similar written instrument upholding the right of shared parking.

7.020.070 Parking In Mixed Use Development

The requirements for motor vehicle parking for mixed use development may be determined using the formula method or the parking management plan method.

- A. Formula Method. Mixed use development projects using this formula are not eligible for further parking reductions per *Subsection 7.020.040 (A)* above, but may take advantage of reductions per *Subsections 7.020.040 (B) and (C)* above. For the purposes of this section, “mixed use” development can include any mix of residential, office, commercial, or light industrial use types:
 - 1. Primary Use. The primary use (largest portion of total floor area within the development) at 100% of the minimum vehicle parking required for that use per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.

2. Secondary Use. The secondary use or uses (second largest proportion of total floor area within the development) at 70% of the minimum vehicle parking required per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.
3. Subsequent Uses. Subsequent use(s) at 50% of the vehicle parking required for each use(s) per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.

B. Parking Management Plan Method. A parking demand management plan may be submitted in accordance with *Section 7.020.040 (F)* above.

7.020.080 Required Carpool/Vanpool Parking

Commercial and industrial uses, government offices and facilities, educational institutions, hospitals and clinics, retirement homes, and nursing homes, all with more than 40 employees on any single shift (at the same location), and public and private educational facilities with more than 40 enrolled students above the age of 16 shall designate at least 10 %, but no fewer than 2, of the long-term (4 hours or more) employee or student vehicle parking spaces for carpool/vanpool parking. These designated spaces shall be closer to the building entrances than other long-term employee or student parking except for disabled accessible parking. These spaces shall be clearly marked “Reserved - Carpool/Vanpool Only” and include hours of use, per the Manual of Uniform Traffic Control Devices.

7.020.090 Fleet Motor Vehicle Parking

Vehicle parking spaces required per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may not be used for storage of fleet vehicles, except when a use can show that employee and fleet parking spaces are used interchangeably. For the purposes of this Ordinance, space devoted to the parking of fleet vehicles shall be considered as outdoor storage, and will not affect required or maximum parking requirements.

7.020.100 Storm Water Pretreatment

All parking areas which are designed to accommodate 25 or more vehicles, or to contain 2 or more levels, or have a minimum of 10,000 square feet of paved surface, shall be required to install an oil/water separator to treat storm water capture before discharging to the storm water system. The design and maintenance agreement for the oil/water separator must be reviewed and approved by the City Engineer prior to any building permits being issued. The maintenance agreement for the oil/water separator must be on file with the Public Works Department of the City of The Dalles. The property owner is required to submit annual maintenance reports to the City. (Note:

See City Ordinance number 97-1213, Sewer Regulations and Ordinance number 96-1205, Pretreatment.)

Section 7.030**GENERAL DESIGN STANDARDS FOR SURFACE PARKING LOTS**

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7.030.010 Purpose

This Section describes the minimum design standards required for all at grade surface vehicle parking areas. One and two family dwellings are exempt from these requirements.

7.030.020 Location, Surfacing, Striping and Curb Cuts

- A. Location. No vehicle parking spaces shall occupy any of the required setbacks unless the parking area is the only developed use of a legal lot of record and provided that all the other screening and landscaping requirements of this Ordinance have been met. This requirement may be waived for the rear setback where alley access serves the subject property, provided the entire block length of the alley right-of-way is free and clear of any obstructions and adequately surfaced with an all weather material such as gravel, concrete, or asphalt. Parked vehicles shall not overhang property lines or walkways unless otherwise approved by the Director.
- B. Surfacing. On site areas used for the parking and maneuvering of vehicles shall be surfaced with material approved by the City Engineer.
- C. Striping. All parking spaces shall be striped.
- D. Curb Cuts. Curb cuts shall meet the design requirements specified by the Americans with Disabilities Act, the City Engineer, and the placement requirements specified in *Section 6.050: Access Management* and design requirements specified in *Section 6.060: Driveway and Entrance Standards*.

7.030.030 Internal Circulation

- A. General. Internal circulation shall be designed to facilitate movement of vehicles, bicycles and pedestrians in a safe and efficient manner, with a minimum of impervious surface coverage.
- B. Emergency Vehicles. Safe and convenient vehicular access shall be provided for service and emergency vehicles.
- C. Pedestrian Walkways. Safe, efficient, and conveniently located pedestrian walkways shall be provided.

- D. Integration and Separation. Integration and/or separation of vehicle, bicycle and pedestrian circulation systems shall be appropriate to the type and size of the development and anticipated traffic flows. Accessible connections to the adjacent public sidewalk(s) shall be provided in all cases where such sidewalk exists or is required as a condition of development.

7.030.040 Landscaping Requirements

A. General Provisions.

1. Motor vehicle parking lots, loading, and maneuvering areas shall be landscaped by medium and large canopied deciduous trees, mid-sized shrubs, and groundcovers to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and adjoining properties. The intent of a landscaped parking lot is also to break-up and screen the areas of impervious surfaces, reduce the level of carbon dioxide in areas of heavy vehicle use, return pure oxygen to the atmosphere, provide shade as a means of altering the microclimate, and generally improve the environmental and aesthetic qualities of the parking areas.
2. Efforts shall be made through the design and layout of parking area(s) to save as many existing trees on site as possible.
3. All required landscaped areas shall be irrigated with a permanent irrigation system.
4. The property owner is responsible for the establishment and continued maintenance of parking lot landscaping in accordance with the requirements of this Section.
5. The minimum planting size for trees shall be 2.5 inches caliper at 5 feet above grade per the requirements of *Section 6.070.100: Measuring Tree Diameter*.
6. Tree species shall be chosen from the recommended tree list provided by the Director; however trees must be deciduous and capable of reaching 30 feet in height and spread at maturity.

7. A minimum of 60% of all landscaped areas, including required planting strips and planting islands, shall be covered with trees, shrubs, and ground cover. The remaining 40% may be dry landscaped with approved materials.
8. Shrubs shall be at least 24 inches high at maturity and a minimum of one gallon size at the time of planting.

B. Landscaping/Screening Along a Public Right-of-Way. All surface vehicle parking lots larger than 6 spaces, and all maneuvering and loading areas shall provide a minimum 5 foot wide screen buffer between the parking, maneuvering or loading areas and a public right-of-way (except alleys and accessways). The screen buffer shall also be required along interior lot lines in residential neighborhoods. Where the curb or the edge of these areas is used as the tire stop for parking, the screen buffer area shall be a minimum of 7.5 feet wide. The screen buffer area shall be landscaped according to the following requirements:

1. One of the following 2 types of buffering shall be provided (in addition to required street trees):
 - a) Planting Strip. A planting strip in the required buffer between the right-of-way and parking area. The planting strip may be pierced by pedestrian and vehicle accessways. Planting strips shall be planted with trees meeting the specie and size criteria of *Subsections (A)(5)* and *(A)(6)* above, and a low level evergreen hedge no more than 48 inches in height.
 - b) Wall or Hedge. A decorative wall or evergreen hedge screen no more than 48 inches in height and established parallel to, and no nearer than 2 feet from, the right-of-way line. The area between the wall or hedge and the street/sidewalk line shall be landscaped. The wall or screening shall be designed to allow a free access to the site or sidewalk by pedestrians.
2. Visual Breaks. Visual breaks, not more than 5 feet wide, shall be provided every 30 feet within evergreen hedges abutting public rights-of-way.
3. Shrubs. Shrubs used for screening parking lot areas shall be planted in minimum 1 gallon container sizes, or larger, in order to achieve a desired height of 30 inches within 12 months.

C. Interior Parking Lot Landscaping. In addition to buffer landscaping along the public right-of-way (excluding alleys and accessways) and along interior lot lines where required, all surface parking lots greater than 6 spaces shall include landscaping to cover not less than 10% of the interior of the parking area in accordance with the following:

1. A planting bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 9 feet wide, to allow doors to open without damage, and a minimum of 180 square feet. Each bay shall be curbed, and planted with 1 approved tree having a clear trunk height of at least 9 feet when mature. Height of all plantings, other than trees, in planting bays is limited to 24 inches.
2. All trees shall be selected from the recommended tree list provided by the Director.
3. Trees shall not be placed within 10 feet of a public utility easement without prior approval of the City Engineer.
4. Parking areas shall be separated by a 5 foot landscaped planting bed from all exterior walls that include no pedestrian entranceways or loading areas.
5. Driveways, accessways, and access drives into vehicle parking lots from public and private streets shall be bordered (both sides) by a minimum 5 foot wide landscape planter strip with approved trees planted 20-30 feet on center and low shrubs.
6. Trees shall be evenly distributed throughout the parking area according to the applicable requirements of this Section and the following table:

Zone District	Parking Lot Tree Requirement Ratio
RL	No requirement
RM, RH	1 tree per 10 parking spaces
CBC	1 tree per 5 parking spaces
CLI	1 tree per 10 parking spaces
CG, CR	1 tree per 12 parking spaces
I	1 tree per 20 parking spaces after the first 10 spaces
P/OS	1 tree per 10 parking spaces

- D. Alternate Landscaping Plan. Applicants may prepare an Alternate Landscaping Plan for parking lots with 16 or fewer vehicle parking spaces located in the following zone districts:

CBC - Central Business Commercial
 NC - Neighborhood Center Overlay
 CFO - Community Facilities Overlay
 RL - Low Density Residential
 RH - High/Medium Density
 RM – Medium Density Residential

The Alternate Landscaping Plan and specifications shall meet the intent of the requirements in this Section and the intent of the subject zone district, and is subject to approval by the approving authority.

7.030.050 Accessible Parking

- A. General. Where required by the Oregon Americans with disabilities Act, parking areas shall provide parking spaces and aisles which are accessible to the disabled. These accessible spaces shall be located closest to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Where the accessible route does cross vehicular traffic, the crossing area shall be distinguished from traffic lanes using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. The crossing area shall be maintained for safety, and shall meet the requirements of the Oregon Americans With Disabilities Act. Location of vehicle parking shall not obstruct curb ramps or other sloped areas. Accessible parking spaces shall be minimum 9 feet wide with a 6 foot wide access aisle per single space, or between each 2 spaces. A van accessible parking space shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 8 feet wide. Accessible parking spaces shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 6 feet wide. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle. Accessible parking shall be provided according to the following ratio requirements:

Minimum Required Number of Total Parking Spaces	Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of Total Spaces
Over 1,000	20 spaces plus 1 for every 100 spaces over 1,000

- B. Van Accessible Parking. 1 in 8 accessible parking spaces, but no less than 1 space, must provide a van-accessible parking space. Van accessible parking spaces are 9 feet wide with an 8 foot wide aisle which can be shared between another 9 foot accessible space. Van accessible parking spaces shall have an additional van accessible sign mounted below the accessible parking sign. Van accessible spaces can be used by any authorized accessible vehicle.
- C. Marking. The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards.
- D. Medical Facilities.
1. Medical care facilities shall provide a passenger drop-off and loading zone(s) per the provisions of *Section 7.030.060* below.
 2. Medical care facilities specializing in the treatment of persons with mobility impairments shall provide 20% of required parking spaces as accessible.

3. For outpatient facilities, 10% of the parking spaces, but not less than 1 space shall be accessible.

7.030.060 Passenger Drop-Off and Loading Zones

Where provided, passenger drop-off and loading zones shall be located on an accessible route, shall not be less than 12 feet wide by 25 feet long, shall not have a slope exceeding 1 vertical foot for every 50 horizontal feet, shall have a vertical clearance of not less than 114 inches, and shall be designed and constructed according to the Oregon State Structural Specialty Code and the Oregon Americans With Disabilities Compliance Manual.

7.030.070 Vehicle Loading and Unloading

Commercial and industrial buildings with floor area greater than 5,000 square feet shall provide for adequate on site loading area(s). Where the loading area is located such that a delivery vehicle must back directly in, a maneuvering space of 55 feet with 16 feet vertical clearance shall be provided. The CBC - Central Business Commercial zone district is exempt from these vehicle loading/unloading provisions.

7.030.080 Motorcycle Parking

All multi-family dwelling developments shall provide areas sufficient to accommodate 1 motorcycle for every 10 parking spaces to park and store motorcycles and mopeds. These areas shall be clearly defined, and reserved for exclusive use by motorcycles and mopeds.

7.030.090 Driveways, Aisles, Clearance, Drainage, and Cross Access

- A. Driveways. Driveways shall not occupy a front yard or exterior side yard setback except to pass through the setback in order to connect parking spaces directly with the public right-of-way or as necessary for shared driveways and internal access between uses on abutting lots. Driveways are also subject to the requirements of *Section 6.060: Driveway and Entrance Standards*.
- B. Aisles. Vehicle parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

C. Clearance.

1. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width. The clearance requirement may be reduced in parking structures.
2. Vehicle loading and unloading areas shall have a minimum vertical clearance of 16 feet.

D. Drainage. Adequate drainage facilities shall be provided to dispose of the runoff generated by impervious surfaces of the parking area. (Roof drains shall connect directly to the storm system, and shall not flow onto parking surfaces.) Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. Storm water pretreatment shall be required per the provisions of *Section 7.020.090: Storm Water Pretreatment.*E. Joint and Cross Access. In order to eliminate the necessity of utilizing the public rights-of-way for cross movements, surface parking lots serving commercial uses which are open to the public shall be designed in accordance with the requirements of *Section 6.050.030(D): Joint and Cross Access.*7.030.100 Parking Clusters

Vehicle parking areas shall be landscaped so as to create parking clusters of not more than 35 spaces. Auto parking clusters shall be separated by a minimum 5 foot wide landscaped area with parking lot trees planted 20 to 30 feet on center and low shrubs, or a walkway, or by buildings or building groups. Parking lot trees shall be chosen from a list provided by the Director.

7.030.110 Refuse Collection

Where refuse collection is provided in, or adjacent to a parking area the following shall be required:

- A. Screening. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.
- B. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

7.030.120 Outdoor Lighting

- A. General. Parking areas shall be adequately lighted where necessary for public safety and security of property.
- B. Shielding and Arrangement. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property.
- C. Maximum Illumination. Maximum illumination at the property line shall not exceed an average horizontal foot candle of .3 for non-cut-off light and 1.0 for cut-off lights.

7.030.130 Stall and Aisle Dimensions

All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in Figure 7-1, Off-Street Parking Dimensions, presented on the following page. A minimum of 70% of vehicle parking stalls shall be of standards size and a maximum of 30% of vehicle parking stalls shall be compact spaces. Compact spaces shall be designed in clusters and appropriately marked “compact”.

The following Notes apply to Figure 7-1 on the following page:

1. For 1 row of stalls use “C” plus “D” as minimum module width.
2. Public alley width may be included as part of dimension “D”, but all stalls must be on private property, off the public right-of-way.
3. Use 350 square feet per vehicle to estimate available parking area for stall, aisle, and access areas.
4. The minimum stall width for high turnover self-parking is 9 feet. For supermarkets and similar facilities (shoppers with packages) the minimum stall width is 9.5 feet.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations is 24 feet. The minimum aisle width for one-way emergency vehicle access is 20 feet.
6. Where a bumper overhang area is provided (e.g. increased pedestrian walkway width, curbed islands), “G” may be subtracted from “C” to determine stall depth.

Figure 7-1

OFF-STREET SURFACE PARKING DIMENSIONS
 Required Space and Aisle Dimensions in Feet

		COMPACT					STANDARD						
	A	B	C	D	E	F	G	B	C	D	E	F	G
60°								9.0	19.0	16.0	10.4	54.0	2.5
								9.5	19.0	15.0	11.0	53.0	2.5
		8.0	17.0	14.0	9.20	44.0	2.5	10.0	19.0	14.0	11.6	52.0	2.5
90°								9.0	18.5	26.0	9.0	63.0	3.0
								9.5	18.5	25.0	9.5	62.0	3.0
		8.0	16.5	24.0	8.0	58.0	3.0	10.0	18.5	24.0	10.0	61.0	3.0

Stall width dimensions may be distributed as follows: 70% standard spaces, 30% compact spaces. All compact spaces shall be labeled as such.

- A** Parking Angle
- B** Stall Width
- C** Stall Depth (no bumper overhang)
- D** Aisle Width between stall lines
- E** Stall Width parallel to aisle
- F** Module Width (no bumper overhang)
- G** Bumper Overhang

Section 7.040**BICYCLE PARKING DESIGN STANDARDS**

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7.040.010 Purpose

Bicycle parking is required in most land use districts and categories to encourage the use of bicycles by providing safe and convenient places to park. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Safe and accessible bicycle parking is intended to specifically encourage employee, student, and customer related bicycle use.

The main purpose of these design standards is to ensure that bicycle parking is visible from the street, located conveniently for cyclists, and designed to provide sufficient security from theft and damage.

7.040.020 Minimum Requirements

The required minimum number of bicycle parking spaces for each principal use is given in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*. Additional parking spaces may be required at common use areas.

All development shall meet the minimum requirements for bicycle parking and design per the provisions of this Chapter.

7.040.030 Bicycle Parking Location and Access

A. Location.

1. Outdoor bicycle parking must be located within 50 feet of the primary building entrance(s).
2. Bicycle parking may be located inside a building on a floor location which does not require stairs to access the space. Exceptions may be made for parking on upper stories within a multi-story residential building.
3. Bicycle parking racks shall be located to avoid conflict with pedestrian movement and access walkways required by this Ordinance and the State of Oregon Structural Specialty Code.
4. Subject to the approval of the City Engineer, bicycle parking may be located in the public right-of-way when the parking does not conflict with pedestrian accessibility.

- B. Visibility. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate bicycle parking areas. Directional signs shall be approved by the Director.
- C. Lighting. Required bicycle parking must have a minimum lighting level of 3 foot candles.
- D. Walkway. A pedestrian accessible walk must be provided between bicycle parking and the building entrance. The walk must be constructed of hard surfaced materials with a minimum width of 4 feet.
- E. Amenities. Bicycle parking areas are encouraged to include a bench.

7.040.040 Bicycle Rack Types and Space Dimensions

Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a “rack”) upon which the bicycle can be locked. A list of standard bicycle racks, shelters and lockers is available from the Director. The list does not preclude other designs the Director may approve. Racks provided in required bicycle parking facilities shall ensure that bicycles may be securely locked to them without undue inconvenience in accordance with the following:

- A. Security.
 - 1. Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
 - 2. Bicycle parking racks, shelters, and lockers must be securely anchored to the ground or to the structure.
- B. Accessibility. Each required bicycle parking space must be accessible without moving another bicycle.
- C. Parking Space Dimensions. Bicycle parking spaces shall be at least 2 ½ feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

- D. Space Rental and Leasing. Bicycle parking spaces required by this Chapter may not be rented or leased except where required motor vehicle parking is rented or leased. At cost or deposit fees for bicycle parking are exempt from this requirement.
- E. Reserved Areas. Areas set aside for required bicycle parking must be clearly marked (signed) for bicycle parking only.

7.040.050 Paving and Surfacing of Bicycle Parking Area

Outdoor bicycle parking facilities shall be surfaced with a well drained, hard surface material at least 2 inches thick (i.e. pavers, asphalt, concrete or similar material) approved by the City Engineer.

7.040.060 Exemptions

The following uses are exempted from Bicycle Parking requirements:

- A. Temporary Uses (special events, seasonal uses).
- B. Agricultural Uses.
- C. Mini-Storage Facilities.
- D. Home Businesses.
- E. Other Exemptions as approved by the approving authority.

Section 7.050**PARKING STRUCTURE STANDARDS**

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7.050.010 Review Process

All parking structure applications shall be subject to the requirements of *Section 3.030: Site Plan Review*, and reviewed as Administrative Actions, per the provisions of *Section 3.020.040: Administrative Actions*.

7.050.020 Ground Floor Use

For all new multi-level parking structures, at least 50% of the total ground floor street frontage, excluding driveway entrances and exits, alleys, stairwells, elevators, and centralized payment booths, shall be designed to accommodate commercial, retail, office, or residential floor space.

7.050.030 Ground Floor Windows

Any ground floor wall facing a street shall contain windows, doors, or display areas equal to at least 20% of the ground floor wall area facing the street and excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows shall have a minimum sill height between 2 and 4 feet above finished floor elevation.

7.050.040 Development Standards

Parking Structures shall meet the development standards requirements for the zone district where located.

7.050.050 Other Standards

Parking Structures must comply with all standards of the State of Oregon Structural Specialty Code in regard to structural design, ventilation, lighting, fire/safety requirements, and disabled accessibility.

7.050.060 Layout and Internal Circulation

Parking configuration shall meet the applicable design guidelines of the current edition of the Urban Land Institute (ULI) Dimensions of Parking, the current edition of the Architectural Graphics Standards, or provide proof that a similar structure functions efficiently and safely using proposed modified dimensions, layout, and circulation.

Section 7.060

MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS

Each of the use types described below are subject to the following minimum and maximum off-street parking requirements in accordance with the provisions of this and other City Ordinances. Development which mixes more than one use type shall calculate the parking requirement based on the requirement for each of the uses. Reductions in parking requirements are allowed in Section 7.020.040, and further reductions may be requested through the adjustment process in Section 3.080 or through the conditional use procedure in Section 3.050. The Director shall determine similarity of use type for those uses not specifically listed:

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
<u>RESIDENTIAL</u>			
One, two, and three dwelling units	2 spaces per dwelling unit	None	None
Four to twelve units (multifamily)	6 spaces, plus 1.5 spaces per dwelling unit in excess of three units	None	1 space per dwelling unit
Thirteen or more units (multifamily)	20 spaces, plus 1 space per dwelling unit in excess of 12 units	None	1 space per dwelling unit
In multifamily units, one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.			
<u>COMMERCIAL</u>			
Arcades, bowling alleys, skating rinks, pool halls, sports clubs, and health spas	4 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft floor area
Bed & Breakfasts and vacation rentals	1 space/guest room after 2 rooms	1.5 space/guest room	None

COMMERCIAL (cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Campgrounds (excluding RV camping)	1 space/campsite	None	None
Convenience markets	2 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area
Court Clubs (tennis, racquetball, basketball, etc.)	1 space/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area	.25 spaces/1,000 sq. ft. floor area
General Office/Administrative	2 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft. floor area
Grocery stores and supermarkets	2.5 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Hotels and motels	1 space/guest room	1.5 space/guest room	None
Medical and dental offices and clinics	3 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Meeting rooms	5 spaces/1,000 sq. ft. floor area	7 spaces/1,000 sq. ft. floor area	.75 spaces/1,000 sq. ft. floor area
Mortuaries and cemeteries	.25 spaces/seat in assembly area, or 6 linear feet bench seating in largest area	.5 spaces/seat in assembly area, or 6 linear feet bench seating in largest area	.1 space/1,000 sq. ft. of floor area
Open air building materials and nurseries, equipment rental, mini-storage	.5 spaces/1,000 sq. ft. site area	.75 spaces/1,000 sq. ft. site area	None
Personal and business services	3 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft. floor area
Restaurants (with drive-thru)	5 spaces/1,000 sq. ft. floor area	12 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area

COMMERCIAL (cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Restaurants (without drive-thru)	7 spaces/1,000 sq. ft. floor area	16 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area

NOTE: Outdoor seating areas shall count as floor area in determining the parking requirements for restaurants without drive-thru.

Retail trade	3.5 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Retail—bulky merchandise	2 spaces/1,000 sq. ft. floor area	2.5 spaces/1,000 sq. ft. floor area	.2 spaces/1,000 sq. ft. floor area
Service stations	3 spaces plus 2 spaces/service bay	4 spaces plus 2.5 spaces/service bay	2 spaces

(Service stations with convenience markets shall meet the parking requirements for each use.)

Theaters	.3 spaces/seat or 6 linear feet bench seating	.5 spaces/seat or 6 linear feet bench seating	1 space/20 seats or 60 linear feet bench seating
Truck, trailer, boat and auto rental or sales	1 space/1,000 sq. ft. site area	1.5 space/1,000 sq. ft. site area	2 spaces
Vehicle repair	3 spaces/service bay	5 spaces/service bay	2 spaces

COMMUNITY SERVICES

Child care centers, preschools, and kindergartens	2 spaces/1,000 sq. ft. floor area	3 spaces/1,000 sq. ft. floor area	1.5 spaces/classroom
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COMMUNITY SERVICES
(cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Colleges and commercial schools (excludes dorms, which are subject to Residential facilities standards)	2 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Senior housing - Dwelling units designated as Independent Living Units shall have one parking space per dwelling	1 space/8 beds	None	1/first 20 units, 1/40 units thereafter
Elementary and middle schools	1.5 spaces/classroom	2 spaces/classroom	5/classroom
High schools	.5 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area	3/classroom
Hospitals and medical centers	1 spaces/bed	2 spaces /bed	.2 spaces/1,000 sq. ft. floor area
Libraries, museums and cultural institutions	2.5 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area
Marinas and Boat Moorage	1 space/berth	None	1 space/40 berths
Residential facilities or homes	1 space/4 beds	None	1 space/6 beds
Sanitariums and convalescent hospitals	.5 spaces/bed based on maximum capacity	.75 spaces/bed based on maximum capacity	1 space/20 beds for first 100 beds, 1 space/40 beds thereafter
Senior Centers	2 spaces/1,000 sq. ft. floor area	2.5 spaces/1,000 sq. ft. floor area	.2 spaces/1,000 sq. ft. floor area
Stadiums, Arenas, Auditoriums and Churches	.3 spaces/seat or 6 linear feet bench seating	.5 spaces/seat or 6 linear feet bench seating	1 space/40 seats or 100 linear feet bench seating

COMMUNITY SERVICES
(CONT.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Utilities	.75 spaces/each employee on largest shift	1 spaces/each employee on largest shift	.5 spaces/1,000 sq. ft. of office floor area
Welfare or correctional institutions	.3 spaces/bed based on maximum capacity	.3 spaces/bed based on maximum capacity	1 space/20 beds

INDUSTRIAL

Industrial and commercial services	.75 spaces/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area	.1 spaces/1,000 sq. ft. floor area
Laboratories, research and development facilities	3 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	.25 spaces/1,000 sq. ft. floor area
Manufacturing, processing, packing, assembly, and fabrication	.75 spaces/each employee on largest shift	2.5 spaces/1,000 sq. ft. floor area	.1 spaces/1,000 sq. ft. floor area
Office (relating to industrial uses)	.75 spaces/each employee on largest shift	1.25 spaces/each employee on largest shift	.25 spaces/1,000 sq. ft. of floor area
Warehouses, freight distribution, and storage	.5 spaces/1,000 sq. ft. floor area up to 100,000 sq. ft., .3 spaces/1,000 sq. ft. thereafter	1 space/1,000 sq. ft. up to 100,000 sq. ft. floor area, .3 spaces/1,000 sq. ft. thereafter	.1 space/1,000 sq. ft. floor area
Wholesale and retail sales	.5 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area	.1 space/1,000 sq. ft. floor area

Chapter 8

PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

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Section 8.010

PURPOSE AND INTENT

The purpose of this Chapter is to provide for safe, orderly and beneficial development in areas characterized by one or more physical and/or environmental constraints.

Physical and environmental constraints are considered to include, but are not limited to: slope of the land, erosive soils, natural drainage ways, flood ways and flood plains, areas of high-water table, US Army Corps of Engineers flowage easements, and geologic hazard areas.

In accordance with the provisions of this Section, a Physical Constraints Permit shall be required for all development in areas identified as constrained.

Section 8.020**REVIEW PROCEDURES**

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8.020.010 Permit Requirements

- A. Physical Constraints Permit A Physical Constraints Permit shall be required for all development:
1. In areas identified within the 100-year flood boundary on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the City of The Dalles.
 2. In areas identified as natural drainage ways.
 3. In areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within zones 1 and 4, or land in zone 3 which is located in areas of groundwater discharge.
 4. On slopes greater than 20% where utility extensions are required, and 25% in all other cases.
 5. Which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils.
 6. In areas designated as flowage easements by the Army Corps of Engineers.
 7. In areas where the ground water table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a Site Plan Review, Conditional Use Permit, Subdivision, Partition, Planned Development or other planning action, the Physical Constraints Permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Ordinance.

8.020.020 Greater Restrictions

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

8.020.030 Interpretation

In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements, liberally construed, and deemed neither to limit nor repeal any other powers granted under State statutes.

8.020.040 Applications

In addition to the requirements of *Section 3.010: Application Procedures*, all applications for a Physical Constraints Permit shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed below in *Section 8.020.050*.

8.020.050 Required Plans

The following plans shall be required for any development requiring a physical constraints permit:

- A. Site Plan. A site plan clearly showing the following:
 1. Project name.
 2. Vicinity map.
 3. Scale (the scale shall be at least one (1) inch equals fifty (50) feet or larger).
 4. North arrow.
 5. Date.
 6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 7. Lot layout with dimensions for all lot lines.
 8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
 9. Location and size of all public utilities affected by the proposed development.

10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 11. A topographic map(s) of the site at a contour interval of five (5) feet or less showing existing and proposed ground contours.
 12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 13. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 14. The proposed method of erosion control, water runoff control, and tree protection for the development.
 15. Building envelopes for all existing and proposed new parcels.
- B. Additional Plans and Studies. The Director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application

8.020.060 Review Procedures

- A. Ministerial Actions. Applications for Physical Constraint Permits which are not part of a planning action shall be reviewed and decided by the Director per the provisions of *Section 3.020.030: Ministerial Actions.*
- B. Planning Actions. Physical Constraint Permits which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions.*

8.020.070 Review Criteria

Physical Constraint Permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Ordinance.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all other applicable City Ordinances and State and Federal regulations.

8.020.080 Changes to Plans

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

8.020.090 Permit Denial

The approving authority may deny the Physical Constraint Permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

Section 8.030**FLOOD CONTROL PROVISIONS**

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8.030.010 Purpose

These flood control provisions are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainage ways as an integral part of the City environment and to maintain both hydrological and biological functions of open drainage systems. This is important in order to manage storm water runoff and drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality and protect riparian plant and animal habitats.

8.030.020 Applicability

These provisions apply to areas in the 100-year flood plain as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRMs) for the City of The Dalles.

8.030.030 Disclaimer of Liability

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

8.030.040 Permit Requirements

A Physical Constraints Permit shall be required for all structures and other development activities located in the flood plain or adjoining a natural drainage area, per the requirements of *Section 8.020: Review Procedures*. The following shall also be required as part of the Physical Constraints Permit:

- A. Additional Site Plan Requirements.
 1. Location and description of proposed fill, retaining walls, materials storage, and drainage facilities.
 2. Elevation of the lowest floor (including basement) of all new or substantially improved structures in relation to the National Geodetic Vertical Datum (NGVD).

3. Elevation in relation to the NGVD to which any new or substantially improved structure has been or is proposed to be flood-proofed, per the criteria in *Subsection 8.030.060* below.

B. Other Requirements.

1. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. Certification by a licensed professional engineer or architect that the flood-proofing criteria of *Subsection 8.030.060* below have been met.
3. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all required permits have been obtained.

8.030.050 Interpretation of Flood Insurance Rate Map Boundaries

When there appears to be a conflict between a mapped boundary and actual field conditions, the Director shall interpret the exact location of the boundaries of the flood plain. Where FEMA base flood elevation data is not available for flood hazard areas, the Director shall use other available data as a basis for applying standards in the flood plain and flood way.

8.030.060 Flood Plain Development Standards

Development within the flood plain (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Maps), including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. The following standards shall apply to all development within the flood plain:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All residential trailers/mobile and manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the State Building Codes official. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

B. Residential Development.

1. New construction and substantial improvement of any residential structure, including residential trailers/mobile homes and manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of 1 foot above base flood elevation.
2. Accessory structures and fully enclosed non-habitable areas below the lowest floor that are subject to flooding are prohibited, unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a licensed professional engineer or architect, and shall meet or exceed the following minimum criteria:
 - a) A minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding shall be provided.

- b) The bottom of all openings shall be no higher than 1 foot above grade.
 - c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - 3. Structures placed on existing lots that have buildable land both inside and outside the flood plain shall be located outside the flood plain, unless 50% or more of the lot is within the flood plain. Where more than 50% of the existing lot is within the flood plain, structures may be located on that portion of the flood plain that is outside of the flood way and 3 feet or less below the flood elevations noted on the FEMA maps. Construction shall be subject to the requirements of *Subsections (1) and (2)* above.
 - 4. Basements are subject to the following:
 - a) Habitable basements are not permitted for new residential structures or additions located within the flood plain.
 - b) Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to State and Federal standards and the standards in this Ordinance.
- C. Nonresidential Development. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated 1 foot above the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
- 1. Be flood-proofed so that the structure is watertight 1 foot above the base flood level.
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 3. Be certified by a licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 - 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in *Subsection (B)(2)* above.

5. Applicants proposing to flood-proof nonresidential buildings shall be notified that the flood insurance premiums shall be based on rates for structures with a lowest floor that is 1 foot below the flood-proofed level.
6. No new habitable basements lower than two (2) feet below the base flood elevation shall be permitted on any existing or new non-residential structure.

D. All Development.

1. All lots modified by lot line adjustments, or new lots created from lots which contain flood plain land must contain a building envelope on a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.
2. Bulk storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted on flood plain lands.

E. Fill. The amount of fill in the flood plain shall be kept to a minimum, shall be designed per the requirements of *Section 8.050: Erosion, Slope Failure, and Cuts and Fill*, and shall meet the following minimum standards.

1. The toe of the fill shall be kept at least 10 feet outside of the floodway channel.
2. US Army Corps of Engineers and Oregon Division of State Lands permit cut, fill and other activities displacing 50 or more cubic yards of material in any bed, bank, or water of the State of Oregon.
3. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
 - a) Poured concrete and other structural building materials necessary to build permitted structures on the lot.
 - b) Aggregate base and paving materials.
 - c) Plants and other landscaping material.
 - d) A total of 50 cubic yards of other imported fill material, or 300 cubic yards for each acre. These amounts are the

maximum cumulative fill that can be imported onto a site, regardless of the number of permits issued.

4. If any additional fill is necessary beyond the permitted amounts in Subsection (2) above, the material must be obtained from flood plain lands on the subject lot only to the extent necessary to create an elevated site for the permitted development
5. Adequate drainage shall be provided to ensure the stability of the fill.
6. Fill used to raise elevations for a building site shall be located as close as possible to the outside edge of flood plain.

F. Streets and Utilities.

1. Local street and utility connections to developments in and adjacent to the flood plain shall be located outside the flood plain, except for crossing the flood plain by the shortest possible route.
2. All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and/or discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- G. Fences. Fences constructed in the flood plain within 20 feet of the floodway shall be limited to wire or electric fencing (excluding wire mesh and chain link) or similar fence that will not collect debris or obstruct floodwaters.

8.030.070 Floodway Standards

New construction, substantial improvements, and encroachments (including fill, excluding riprap and other channel linings) are prohibited within the floodway. The floodway is the portion of the flood plain where high volumes of moving water flow through stream or drainage ways as determined by the most recent data. Nonstructural development, such as parking lots, may be permitted within the floodway when a registered professional engineer certifies that encroachments will not result in any increase in flood levels and/or flood hazard during the occurrence of the base flood discharge.

Section 8.040**GEOLOGICAL HAZARD PROVISIONS**

<u>Subsection</u>		<u>Page</u>
8.040.010	Purpose	8-21
8.040.020	Applicability	8-21
8.040.030	Permit Requirements	8-21
8.040.040	As-Built Certification	8-22

8.040.010 Purpose

This Section describes the permit requirements for lands proposed to be developed within the areas designated zones 1 to 6 on the maps and in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within zones 1 and 4, land within zones 2, 3, or 5 that exceed a slope of 30%, or land in zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this Section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

8.040.020 Applicability

The requirements of this Section shall apply to all new development including, but not limited to, streets, driveways, parking areas, sidewalks, retaining walls, drainage structures, buildings and other structures, and to additions and modifications to existing development which increase the footprint. Detached buildings of 200 square feet are exempt from the requirements of this Section.

8.040.030 Permit Requirements

A Physical Constraints Permit shall be required for new development and additions as described above in *Section 8.040.020* for all proposed development activities located within hazard areas in zones 1 through 6, per the requirements of *Section 8.020: Review Procedures*. The following shall also be required as part of the Physical Constraints Permit:

- A. Geologic Impact Statement. A site-specific geologic impact statement prepared by a qualified geotechnical engineer or an engineering geologist. If the size of a proposed development is increased, or the location of a proposed development is changed, a new impact statement may be required.
- B. Certification of Plans. A statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

8.040.040 As-Built Certification

Within 30 days after completion of the project, and before final acceptance of public improvements by the City Engineer, the applicant shall submit to the Director a statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.

Section 8.050**EROSION, SLOPE FAILURE, AND CUTS AND FILL**

<u>Subsection</u>		<u>Page</u>
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8.050.020	Run Off Control	8-25
8.050.030	Erosion and Slope Failure	8-25
8.050.040	Cuts and Fill	8-26

8.050.010 Purpose

This Section describes standards for control of runoff, and the permit requirements for control of erosion and slope failure, and for cuts and fills.

8.050.020 Runoff Control

Any development which increases the natural runoff by decreasing the infiltration of the soil by any means shall conform to the following standards:

- A. Roof Drainage. All roof drainage, except 1 and 2 family residential, must be collected, controlled and directed either by underground pipe or concrete or asphalt gutter to a City street or storm drain or to a natural water course. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
- B. Hard Surface Drainage. All drainage from driveways, parking areas and other impervious surfaces must be collected, controlled and directed to a City street or storm drain or natural water course by underground pipe or concrete or asphalt gutter or disposed of on site. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
- C. Dry Wells. Connection to dry wells may be allowed for roof and hard surface drainage only with the approval of the City Engineer, where City storm system is not available within 300 feet, the ground water table is well below the proposed dry well during all seasons, and a non-remonstrance agreement for future street and storm sewer improvements is signed by the applicant and recorded with the deed.
- D. Alternative Storm Water Disposal Systems. Any alternative methods of storm water disposal not herein described, such as a bio-swale or leach field, must be approved by the City Engineer.

8.050.030 Erosion and Slope Failure

All development on lands with highly erosive lands or slopes greater than 25% (4:1), and all development which removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of 50% (2:1) or more shall require a Physical Constraints Permit, per the provisions of *Section 8.020: Review Procedures*, and comply with the following standards:

- A. Re-vegetation. Any exposed soil shall be revegetated in a manner to reestablish a complete vegetative cover within 1 year of time of planting. If irrigation is not provided, then the exposed soil must be planted with species which can survive without irrigation.
- B. Maintenance. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained in perpetuity on areas which have been disturbed.
- C. Temporary Erosion Control. During construction, erosion control measures such as straw bales, sediment fences, etc., shall be incorporated into plans to control erosion from the site as needed.
- D. Exception. The above restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Utility Anchors. Concrete anchors shall be constructed when pipelines are installed at grades of 20% or greater, in accordance with City standards.

8.050.040 Cuts and Fill

All cuts, grading or fills shall be designed in a manner that will be stable for the intended use, conform to the applicable requirements of the most current versions of the Uniform Building Code and the Oregon Structural Specialty Code, and meet the following requirements:

- A. Documentation. Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and location of each cut or fill.
- B. Permits. Any cuts and/or fills outside of geohazard zones A1 or A2 greater than 50 cubic yards but less than 250 cubic yards shall require a Physical Constraints Permit with an application with a drawing having a primary focus on erosion control. Any cuts and/or fills in geohazard zones A1 or A2 greater than 50 cubic yards shall require a Physical Constraints Permit, per the provisions of *Section 8.020: Review Procedures*.
- C. 250+ Cubic Yards.
 - 1. Any cuts and/or fills outside of geohazard zone A1 or A2 greater than 250 cubic yards but less than 500 cubic yards require a drawing and either engineered plans or a letter from a

licensed professional engineer stating that no engineered plans are required in the engineer's professional opinion as the activity presents no danger to surrounding properties. Any cuts and/or fills in the A1 or A2 geohazard zones over 250 cubic yards, or over 500 cubic yards outside the A1 or A2 geohazard zones, must be designed by a licensed professional engineer.

2. If the cut and/or fill is not a City street or a public right-of-way, a licensed professional engineer shall declare to the City, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.
- D. Right to Inspect. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.
- E. Master Plans. Any development or partitioning which is proposed on Erosive and Slope Failure Lands must be shown on a master plan at the time the final plan or plat is filed. All development must comply with the master plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), must be constructed by the applicant prior to any development occurring on the parcels.
- E. Foundations. All structures in Erosive and Slope Failure Lands shall have foundations which have been designed by a geotechnical engineer.
- F. Building Envelopes. All newly created lots or lots modified by a lot line adjustment must include a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

Section 8.060**FLOWAGE EASEMENTS**

<u>Subsection</u>		<u>Page</u>
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8.060.020	Applicability	8-31
8.060.030	Review Procedures	8-31

8.060.010 Purpose

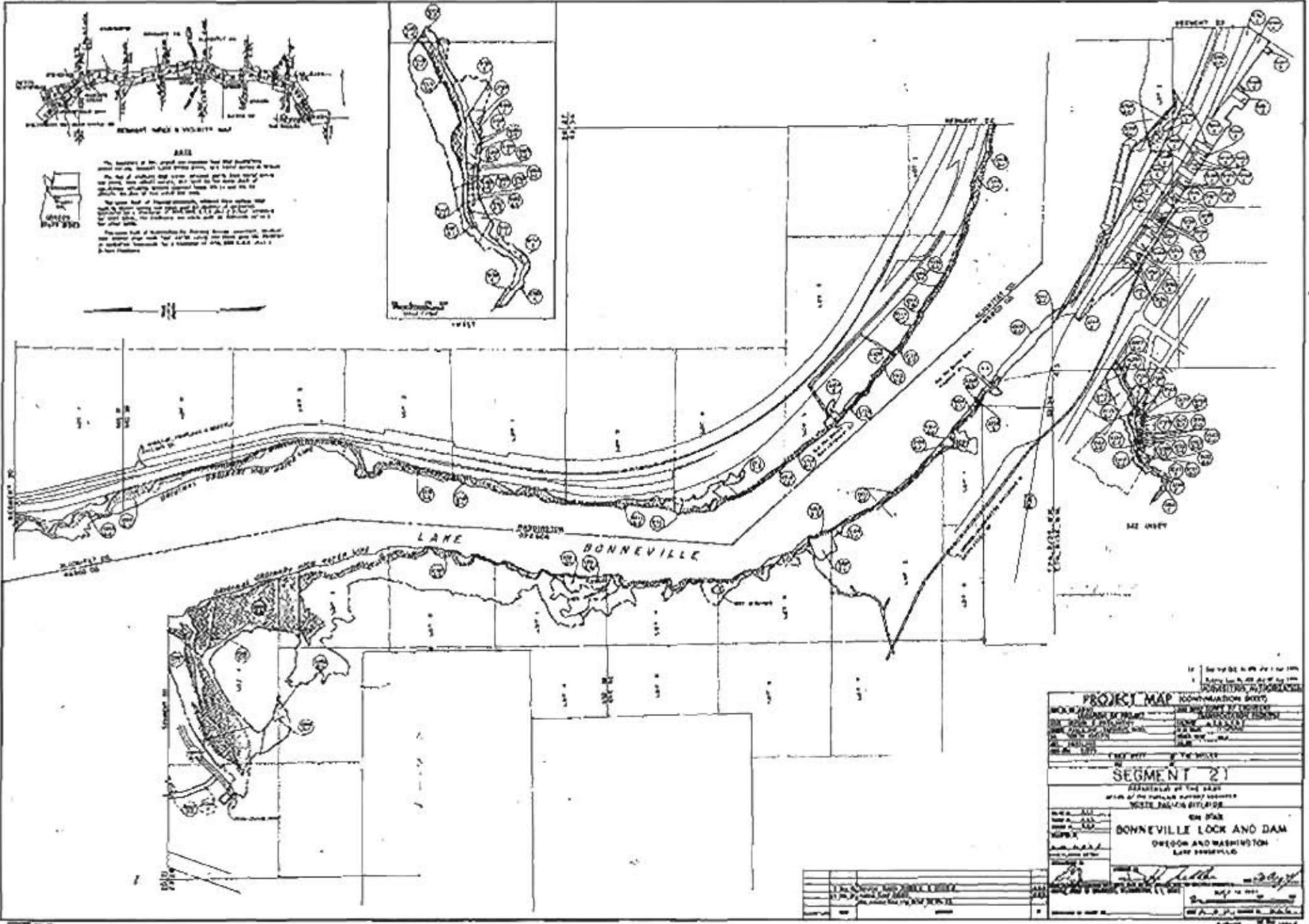
The purpose of this Section is to ensure that development proposals for lands within the Army Corps of Engineers' flowage easement for the Bonneville Lock and Dam Project are reviewed for consistency with the limitations imposed by this easement.

8.060.020 Applicability

The review described in this Section applies to all lands and parcels noted on the Real Estate Segment Map No. 21 for the Bonneville Lock and Dam Project as having a recorded flowage easement.

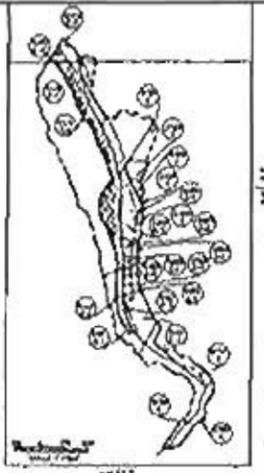
8.060.030 Review Procedures

- A. Permit Requirements. A Physical Constraints permit shall be required for all structures and other development activities located in an Army Corps flowage easement, per the requirements of *Section 8.020: Review Procedures*.
- B. Review. The Director shall review the Constraints Permit to determine whether or not, and to what extent, any development may be allowed. The Director will then forward the Constraints Permit to the Corps for final approval.



NOTE

The location of the lock and dam is shown on the plan view of the river. The plan view is a true plan view of the river and does not show the elevation of the river bed or the water surface. The plan view is a true plan view of the river and does not show the elevation of the river bed or the water surface.



PROJECT MAP	
PROJECT NO.	100000
PROJECT NAME	BONNEVILLE LOCK AND DAM
PROJECT LOCATION	OREGON AND WASHINGTON
PROJECT DATE	1910
PROJECT SCALE	1" = 100'
SEGMENT 2	
SECTION OF THE MAP	
SHOWING THE LOCATION	
OF THE LOCK AND DAM	
ON THE RIVER	
BONNEVILLE LOCK AND DAM	
OREGON AND WASHINGTON	
LATE 1910	
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	
DATE: 1910	

Chapter 9**LAND DIVISIONS**

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Section 9.010

BACKGROUND AND PURPOSE

The division of land is the initial step towards establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or partition of land.

The subdivision procedure is used when 4 or more units (generally referred to as "lots") of land are created in a calendar year, and frequently involves creation of an internal street(s) to provide access. Subdivision applications may also include requests for Planned Developments to permit greater flexibility in design of developments. Procedural provisions for Planned Developments are addressed in *Section 9.050: Planned Developments*.

A partition procedure is used to create 3 or fewer lots in a calendar year and may or may not involve the creation of a street. Procedural provisions for partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in *Section 9.030: Partitions, Minor Replats, and Lot Line Adjustments*.

Applications for partitions and subdivision are processed as Administrative Actions, per the provisions of *Section 3.020.040: Administrative Actions*. Administrative actions are decided by the Director without a public hearing; however, administrative actions can be elevated to quasi-judicial review (by the Planning Commission at a public hearing) at the discretion of the Director, the applicant, the Commission, or parties of record who address legitimate criteria. Quasi-judicial actions are decided by the Commission after a public hearing. Both administrative and quasi-judicial actions are appealable per the provisions of *Section 3.020.080: Appeal Procedures*.

The purpose of the Land Divisions Chapter is to ensure that building sites are sufficient for their intended use and that lots to be created are within the density ranges permitted by the Comprehensive Plan; to provide for adequate levels of urban facilities, services, and public utilities including provisions for water, drainage, sewage, education, and parks, recreation and open spaces; to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles; to minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible; to create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and, to preserve, protect, and promote the public health, safety, convenience, and general welfare.

Section 9.020**LAND DIVISION STANDARDS**

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9.020.030	Residential Rear Lot Development	9-9

9.020.010 Purpose

The purpose of this Section is to describe a set of land division standards which shall be implemented in conjunction with the subdivision and partition procedures of this Chapter, and with the provisions of *Chapter 10: Improvements Required with Development*.

9.020.020 General Provisions

- A. Applicability. All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of *Section 9.050: Planned Developments*.
- B. Annexation. Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.
- C. Blocks.
 - 1. General. Length, width, and shape of blocks shall take into account need for adequate lot size, street width and circulation, recognizing limitations of the topography and conforming to the size requirements specified below.
 - 2. Size. No block frontage shall be less than 200 feet or more than 1,600 feet in length between corner lines unless topography or location of adjoining streets justifies an exception. Block size shall vary, depending on the adjacent street classification, with shorter blocks fronting local streets and longer blocks fronting collector and arterial streets. In addition the following shall apply:
 - a) Local Streets and Minor Collectors. Block width shall be a minimum of 200 feet and a maximum of 600 feet, with a maximum proportional ratio of width-to-length of 1:3. Block length shall be a minimum of 300 feet and a maximum of 600 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 10 feet wide, shall be provided near the middle of blocks greater than 450 feet in length/width.

- b) Central Business Commercial District. Blocks shall be 300 feet by 220 feet and platted with alleys in the pattern common to this district.
 - c) Major Collector Streets. Block frontage shall be a minimum of 300 feet and a maximum of 1,200 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 12 feet wide, shall be provided near the middle of blocks greater than 900 feet in length/width.
 - d) Arterial Streets. Block frontage shall be a minimum of 600 feet and a maximum of 1,600 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 12 feet wide, shall be provided near the middle of blocks greater than 1,200 feet in length/width.
3. Exceptions. Block sizes may be reduced or enlarged in the same way separation distance between access points may be reduced, per all of the requirements of *Section 6.050.050: Exceptions to Standards*, substituting block size for separation distance between access points.

D. General Lot Requirements

- 1. Size and Shape. Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed.
- 2. Access. Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located, with the following exception:
 - a) Lot access requirements for residential rear lot development created through a land partition process may be exempted from the access requirement above when all the provisions of *Section 9.020.030: Residential Rear Lot Development* below have been met.
- 3. Access Points. Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of

the final plat.

4. **Through Lots.** Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot.
5. **Lot Side Lines.** Side lines of lots, as far as practicable, shall be at right angles to the street the lots face.
6. **Lot Grading.** Lot grading shall conform to the provisions of *Section 8.050: Erosion, Slope Failure, and Cuts and Fill*.
7. **Building Lines.** Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat.
8. **Redevelopment Plans.** A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:
 - a) Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.
 - b) Demonstrate that the proposal will not inhibit development of adjacent lands.

9.020.030 Residential Rear Lot Development

Rear lot development shall be allowed with the intention of eventually creating, where possible, a public street or private access drive connecting two established public streets for the purpose of providing through access to the lots being developed. In addition to complying with the provisions of *Subsection 9.020.020: General Provisions* above, and all other requirements of this and other City Ordinances, residential rear lot development shall comply with the following standards and procedures:

- A. **Lot Access Requirements.** Lot(s) created by rear lot development shall use one of the following applicable permanent access options:
 1. Where opportunities exist for future rear lot development of abutting property to the side and rear of the subject lot, a deed

recorded easement at least 25 feet wide abutting one side lot line and running from the front property line to the rear property line shall be required.

2. Where a permanent access easement on an adjacent property already exists along the side lot line or abuts the rear lot line of the subject lot, a deed recorded easement at least 25 feet wide abutting the side lot line adjacent to the existing easement and running from the front property line to the rear property line shall be required.
 3. Where, in the Director's opinion, existing topography, lack of public right of way, or existing development precludes an opportunity to create a through connection to a public street, rear lot development may connect to a dedicated right-of-way via an access way (narrow strip of land). At the Fire Marshall's discretion, an adequate turn around area (such as a hammer head) shall be provided for fire and life safety vehicles.
- B. Improvement Requirements. The City Engineer may require that any private access or driveway over 50 feet in length or serving 2 or more lots shall be improved as required at the same time as the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.
- C. Public Improvements. Public improvements shall be placed within the easements or rights-of-way per City standards. Where the width of the easements or rights of way is not sufficient to accommodate all required improvements, additional easement or right-of-way shall be acquired from adjacent property.
- D. Required Connection To Right Of Way. Public streets, private access drives and access ways must connect to a dedicated right-of-way at least 40 feet in width that has a street improved to City standards. An exception to the improvement standards for the existing dedicated right-of-way may be allowed if all of the following conditions are met:
1. The accessway connects to a substandard street.
 2. The property owner signs an irrevocable waiver of remonstrance agreement for public street improvements and records the waiver with the property through the Wasco County Clerk's Office.
 3. The property owner demonstrates that the grade of the property will allow run-off and foundation drainage to be carried by

gravity (without pumping) to a public storm drain or other drainage facility approved by the City Engineer without crossing property lines or creating erosion problems.

- E. Lot Area. The minimum lot area shall meet the minimum requirement of the applicable zone district. Land required for future right of way or proposed for a future public street shall not count toward the minimum lot area.
- F. Fire Protection. The Fire Marshall may require installation of a fire hydrant and/or turn-arounds where necessary for fire fighting capabilities.
- G. Existing Vegetation. Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible.
- H. Reciprocal Easements. Where a common drive or private accessway is to be provided to serve more than one lot, a reciprocal easement ensuring access rights shall be recorded with the approved partition map.

Section 9.030**PARTITIONS, MINOR REPLATS, and LOT LINE ADJUSTMENTS**

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9.030.030	Partition Applications	9-15
9.030.040	Partition Application Review	9-17
9.030.050	Final Partition Plat Review	9-18
9.030.060	Minor Replat Review	9-20
9.030.070	Lot Line Adjustment Procedure	9-20

9.030.010 Purpose

This Section describes the requirements and review procedures for applications for Partitions, Minor Replats, and Lot Line Adjustments. (For a description of the difference between Partitions and Subdivisions see *Section 9.010: Background and Purpose*.)

9.030.020 Plat and Survey Requirements

In addition to the requirements contained in this Chapter, plats and survey maps are also subject to the requirements of ORS 92.050 and 209.250.

9.030.030 Partition Applications

- A. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be partitioned. If the application includes land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in the property. All applications for partitions shall also be accompanied by a tentative partition plat and any other required graphics. The tentative plat shall be sufficiently accurate to ensure proper review and shall not exceed 18in. by 24 in. An 11 in. by 17 in. copy of the tentative plat shall also be provided. The tentative plat shall include the following information where applicable:
1. Names of the applicant, owner, engineer, and surveyor as appropriate.
 2. Date, scale, and north arrow.
 3. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application.
 4. Sufficient description to define location and boundaries of the area to be partitioned, replatted, or adjusted.
 5. Location of existing structures.
 6. Number and type of dwelling units proposed where known and appropriate.
 7. Location and width of all existing or proposed public or private rights-of-way, including any reserve strips and parking areas.

8. Location of all existing and proposed streets, curbs, and sidewalks. (New streets or improvements to existing streets shall meet the requirements of *Chapter 10: Improvements Required with Development*. Construction detail drawings are not required for application approval, but will be required prior to issuance of any required permit.)
9. Location of all existing and proposed public and private utilities, including, but not limited to water, sewer, storm drainage, power, gas, cable TV, and telephone. (New public utilities shall meet the requirements of *Chapter 10: Improvements Required with Development*. Construction detail drawings are not required for application approval, but will be required prior to issuance of any required permit.)
10. Proposed parcel layout indicating dimensions, parcel lines and lot areas of parcels.
11. Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.
12. All areas proposed for dedication to the public and their proposed uses including, but not limited to street rights-of-way, drainage ways, easements, trails and paths, parks and open spaces, and reserve strips.
13. For non-residential development, the location and use of adjacent driveways and structures within the appropriate distance as specified in Section 6.050.040: Access Standards.
14. Identification of significant natural features including, but not limited to rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the natural grade.
15. Where it is evident that the subject parcel can be further partitioned the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient

division of land in the future, per the requirements of *Section 9.020.020 (C)(8): Redevelopment Plans*.

- B. The Director may waive any of the requirements where determined that the information is unnecessary to properly evaluate the proposed development. The Director may also require any additional information, if determined necessary, to evaluate the proposal.

9.030.040 Partition Application Review

- A. Review Procedure. Partition applications shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*.
- B. Review Criteria. Partition applications shall be reviewed to assure:
1. The tentative plat meets the Wasco County recording requirements.
 2. The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works standards and policies, and any other applicable policies and standards adopted by the City Council.
 3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street.
 4. The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.
- C. Period of Approval. Approval of a partition application shall be valid for a period of one year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually four times provided the relevant provisions of this ordinance have not changed. If an approval is extended, any fees or charges will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within one year, or within any timely extension, the partition application shall become void and a new application required.

9.030.050 Final Partition Plat Review

- A. Application Requirements. Applications for final partition plat approval shall meet the following requirements:
1. The final partition plat shall conform to the approved tentative partition plat, as well as the provisions of *Section 9.020: Land Division Standards* and any conditions of approval.
 2. The partition plat shall be prepared in accordance with ORS Chapters 92 and 209 by an Oregon licensed land surveyor and conform to Wasco County's plat standards.
 3. An Oregon licensed land surveyor shall survey and monument all parcels. All monuments on the exterior boundary and all parcel corner monuments of a partition shall be placed before the partition is offered for recording.
 4. The plat shall include or be accompanied by:
 - a) A notarized signature of the owner declaring the ownership and consenting to recording of the plat.
 - b) Legal descriptions of areas proposed for dedication including, but not limited to, street rights-of-way, drainage ways, easements, and reserve strips (legal descriptions shall meet the approval of the City Engineer).
 - c) A notarized copy of any deeds dedicating land to the City signed by the grantor.
 - d) A description, sealed by a registered professional engineer, of streets, driveways, utilities, and improvements proposed to be made or installed, as well as a time within which such improvements are to be completed.
 - e) All easements and adjacent streets shall be placed on the plat.
 - f) A designated space for approval signatures in accordance with *Subsection (C)(4)* below shall be placed on the plat.
- B. Review of Final Partition Plat Application.
1. Within 14 days after receiving the final partition plat application, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant within 7 days and state what is

needed for a complete application. The Director may waive any of the requirements when the Director determines that the information is not necessary.

2. a) For a partition of non-residentially zoned property, on which no existing residential structure is located, any required street improvements (including paving, curb, sidewalk, sanitary sewer, water and where applicable, storm sewer) shall be subject to the Agreement for Improvement provisions in *Section 9.040.060(H); Installation of Required Improvements*.
- b) For a partition of a vacant parcel of property which is zoned for residential development, or a partition of a parcel upon which an existing residential structure is located, prior to the approval of the final plat, the applicant shall not be required to install required street improvements; installation of required street improvements shall occur consistent with the provisions of Section 10.030(A).

C. Final Plat Approval. Prior to final approval, the City shall be assured that:

1. For a partition of non-residentially zoned property, on which no existing residential structure is located, the applicant has installed, or executed a deferred development agreement, or has gained approval to form an improvement district for installation of required improvements in accordance with the provisions of *Chapter 10: Improvements Required with Development*, or the applicable provisions of General Ordinance No. 06-1275 concerning reimbursement districts. Improvements that may be required include street, street lights or other signals, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the partition application.
2. For a partition of a vacant parcel which is zoned for residential development, or a partition of a parcel of property upon which an existing residential structure is located, the applicant's responsibility for installing required public street improvements shall occur in accordance with the provisions of Section 10.030(A).
3. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council.

4. The City Engineer shall review a signed and notarized deed for any areas proposed for dedication to the City prior to the final signing of the partition plat.
 5. The partition plat shall be signed by the Director, City Engineer, Wasco County Treasurer, Wasco County Assessor, and Wasco County Surveyor.
 6. Approval does not relieve the applicant from other applicable provisions of this and other City Ordinances, or from the provisions of the Oregon Revised Statutes.
- D. Recording of Final Plat. When all required signatures have been obtained on the final partition plat, the applicant shall record the plat and any required covenants with the Wasco County Clerk, and submit 2 copies of the recorded plat and any covenants to the Director.
- E. Effective Date. Authorization of the final partition plat shall become effective when the plat is officially recorded.
- F. Building Permits. No building permit shall be issued for any parcel until the final partition plat is recorded and the required copies are provided to the Director.

9.030.060 Minor Replat Review

- A. Review Procedure. Applications for minor replats shall be processed per the provisions of *Section 9.030.030: Partition Application Review*.
- B. Final Minor Replats. A final minor replat shall be prepared by a licensed surveyor and meet the applicable requirements of *Section 9.030.050: Final Partition Plat Review*.

9.030.070 Lot Line Adjustment Procedure

- A. Applications. In addition to the applicable requirements of *Section 3.010: Application Procedures*, applications for lot line adjustments shall include a survey map prepared by a licensed surveyor indicating the existing and proposed lot lines.
- B. Review Procedure. Lot Line Adjustment applications shall be processed as ministerial actions, per the provisions of *Section 3.020.030: Ministerial Actions*.

- C. Review Criteria. A lot line adjustment shall be approved if the following criteria are met:
1. The lot line adjustment shall not result in the creation of an additional unit of land.
 2. The lot line adjustment shall not create a nonconforming use, structure or building.
 3. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.
 4. Any nonconforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.
 5. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.
- D. Conditions of Approval. Approvals shall be subject to the following minimum conditions:
1. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Wasco County Clerk's Office.
 2. A Certified Boundary Survey map, if needed, that reflects the approved lot line adjustment shall be filed with Wasco County. Prior to the filing of the survey map with Wasco County, the map shall be reviewed by the City and signed by the Director and the City Engineer.
 3. Two copies of the recorded deeds and filed survey map shall be provided to the City following recordation.

Section 9.040**SUBDIVISIONS AND MAJOR REPLATS**

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9.040.010 Purpose

This Section describes the requirements and review procedures for Subdivision applications, and applications for Major Replats.

9.040.020 Plat and Survey Requirements

In addition to the requirements contained in this Chapter, plats and survey maps are also subject to the requirements of ORS 92.050 and 209.250.

9.040.030 Subdivision Applications

- A. Application Requirements. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be included in the subdivision. If the development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in each of the separately owned properties to be included. Additionally, the application shall be accompanied by the following:
1. Four sets of full-sized blue or black line drawings of the tentative plat, with a sheet size at least 18 in. by 24 in., sheet size of any other graphics shall not exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted.
 2. One set of the graphics shall be reduced to fit on 11 in. by 17 in. sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
 3. One copy of the project narrative, per the requirements of *Subsection (C)* below, on 8.5 in. by 11 in. sheets.
- B. Graphics Requirements. Subdivision applications shall include the following graphic information where applicable.
1. An existing land use map. (A map that extends between 250 to 2000 feet beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools. The Director shall determine the coverage of the land use map based on potential impacts of the development proposal.)

2. Tentative subdivision plat and other graphics drawn to scale and containing sheet titles, date, north arrow, and legend placed in the same location on each sheet and containing the following:
 - a) Name and address of owner(s) of record, applicant, engineer, and registered land surveyor who prepared the plat.
 - b) Sufficient description to define location and boundaries of the development site.
 - c) Location and use of adjacent driveways and structures within the appropriate distance as specified in *Section 6.050.040: Access Standards*
 - d) Number of lots and their dimensions including frontage, depth, and area in acres.
 - e) General location of existing and proposed structures including building types and heights, gross density per acre and proposed use restrictions. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - f) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - g) Location and width of all existing or proposed public or private rights-of-way, including any reserve strips and parking areas.
 - h) Existing and proposed general circulation system including bikeways, driveways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate.
 - i) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict.
 - j) Existing and proposed utility systems including, but not limited to sanitary sewer, storm sewer, drainage ways, water, cable TV, power, natural gas, telephone, and street lights as appropriate.
 - k) Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.

- l) Identification of significant natural features including, but not limited to rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the natural grade.
 - m) Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.
 - n) Drainage and Grading Plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the subdivision abuts existing developed lots, a conceptual grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the subdivision that would affect the subdivision and adjacent areas. If a grading plan is required, it shall show how runoff or surface water from individual lots will be managed and the ultimate disposal of all subdivision surface waters.
 - o) Approximate location and widths of proposed easements and/or dedications for drainage, sewage, or other public utilities.
 - p) Location of waterways, and drainage ways, showing top of existing banks and channel depth, and if requested, a separate sheet showing cross sections at 50-ft intervals of all such water courses for review in accordance with *Chapter 8: Physical and Environmental Constraints*.
3. The Director may waive any of the above requirements when determined the information required by this Section is unnecessary to properly evaluate the proposed development. The Director may also require additional information, if determined necessary, to adequately evaluate the proposal.

C. Narrative Requirements. A written statement accompanying the subdivision application shall include:

- 1. Proposed uses and development objectives.
- 2. A statement of improvements to be constructed or installed and date of their anticipated completion, including, but not limited to:
 - a) Provisions for domestic water supply including source, quality, and approximate quantity.
 - b) Provisions for sewage treatment and disposal, storm drainage, and flood control.

- c) Provisions for improvements and maintenance of common areas if proposed.
 - d) Proposed landscaping.
 - e) Proposed streets, curbs, sidewalks and street lighting.
 - f) Proposed fire protection.
3. A general description of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as irrigation, private roads and drives, landscape, and maintenance.
4. General data not included on the tentative plat such as:
- a) Total number and type of dwelling units.
 - b) Parcel size in square feet.
 - c) Proposed lot coverage of buildings and structures where known.
 - d) Gross densities per acre.
 - e) Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas).
 - f) Total amount and type of nonresidential construction.
- D. After a subdivision application has been filed, no building permits shall be issued until construction drawings and specifications have been approved by the City Engineer. Exception provisions in Section 3.030.030 I apply here also.

9.040.040 Subdivision Application Review

- A. Review Procedure. Subdivision applications shall be reviewed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions.*
- B. Review Criteria. Subdivision applications shall be reviewed to assure consistency with the state statutes, this Ordinance, and the applicable provisions of *Chapter 5: Zone District Regulations, Chapter 6: General Regulations, Chapter 7: Parking Standards, Chapter 8: Physical and Environmental Constraints, Chapter 9: Land Divisions, and Chapter 10: Improvements Required with Development.*
- C. Period of Approval and Extension. Approval of a subdivision application shall be valid for a period of 2 years from the effective approval date. If the applicant has not submitted a final subdivision plat within 2 years (with appropriate assurances for improvements, if applicable), approval

shall expire. The Director may grant, at the applicant's request, a one-time extension of up to 1 year if, in the Director's opinion, conditions related to the project and surrounding area have not changed. The applicant must request an extension in writing at least 45 days prior to approval expiration.

9.040.050 Construction Drawings and Specifications for Public Improvements

Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering. No public improvements shall be laid out or constructed prior to City Engineer approval of construction drawings and specifications. Construction drawings and specifications for public improvements shall include the following:

- A. Plans and Specifications. Plans and specifications for public improvements shall clearly indicate the following:
 1. Location of existing rights-of-way.
 2. Existing streets, sidewalks, curbs and utilities.
 3. Parking lot striping and pavement cross section.
 4. Perimeter curb location and details.
 5. Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, etc.), including location, elevation, size, and detail of storm lines, inlets/catch basins, manholes, cleanouts, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages.
 6. Location and details of cross connection control devices.
 7. Fence and gate locations and details.
 8. Street and parking lot lighting locations and details.
 9. Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of storm water onto sidewalks, public rights-of-way and abutting private property.

10. Location and type(s) of existing and proposed street trees.
 11. Erosion control plan and/or traffic control plan as required by the City Engineer.
 12. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings and specifications, prepared and stamped by a licensed professional engineer for the proposed improvements within public easements rights-of-way.
- B. Engineering Estimates. Itemized engineering estimates for the proposed improvements sealed by a licensed professional engineer.
- C. Contractor Information. Proof of licensing, bonding and insurance is required for the contractor(s) installing public improvements.
- D. Field Adjustments. A letter signed by the developer, engineer, and contractor acknowledging that field adjustments to approved plans require the approval of the City Engineer.

9.040.060 Final Subdivision Plat Review

- A. Application Requirements. Applications for final subdivision plat approval shall meet the following requirements:
1. The final plat and 2 additional copies which meet Wasco County's survey and subdivision plat standards shall be submitted to the Director.
 2. The final plat shall substantially conform to the approved tentative subdivision plat and construction drawings and specifications for public improvements, and shall conform with *Section 9.020: Land Division Standards*, except where modified by a Planned Development approval (see *Section 9.050: Planned Development*). The plat shall contain or be accompanied by the following information:
 - a) Name of the subdivision.
 - b) Date, north arrow, scale, legend, and existing features such as highways and railroads.
 - c) Legal description of subdivision boundaries.
 - d) Reference and bearings to adjoining recorded surveys.

- e) Exact location and width of streets and easements intersecting the boundary of the subdivision.
- f) Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
 - (1) Lot numbers shall begin with the number "1" and be numbered consecutively in each block. Number sequence are to generally follow the same system as sections are numbered in a township.
 - (2) Block numbers shall begin with the number "1" and be numbered consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering in the original subdivision. Block numbering sequence shall be the same system as sections are numbered in a township.
 - (3) Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to the subdivision of the same name shall continue the numbering of the original subdivision.
- g) Street rights-of-way, center lines with dimensions to the nearest 0.01 ft, bearings or deflection angles, radii, arc, points of curvature, curve data, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings.
- h) Name and width of proposed and existing width of any existing right-of-way, and width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated.
- i) Easements, denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The easement's width, length, bearing, purpose and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of

dedication. The City Attorney shall approve wording of all easements.

- j) Locations and widths of waterway and drainage ways, and other water courses for review in accordance with *Chapter 8: Physical and Environmental Constraints*.
- k) Location and widths of railroad rights-of-way and reserve strips at the end of stub streets or along the edge of partial-width streets on the subdivision boundary.
- l) Parcels to be dedicated shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel.
- m) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
- n) The following certificates, acknowledgments, and other requirements established by State law. Such certificates may be combined where appropriate:
 - (1) Certificate, signed and acknowledged by the owner(s) of record of the land to be subdivided, offering for dedication of all parcels of land for public use; and offering for dedication of rights of access to and from prescribed streets, lots, and parcels of land.
 - (2) Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat.
 - (3) Certificate for execution by the Director or Chair of the Planning Commission as appropriate.
 - (4) Certificate for execution by the City Engineer.
 - (5) Certificate for execution by the County Surveyor.
 - (6) Certificate for execution by the Wasco County Clerk, including available space for Clerk recording information.
 - (7) Certificate for execution by the Wasco County Assessor.
 - (8) Certificate for execution by the Wasco County Tax Collector.
 - (9) Certificate for execution by the Wasco County Court, where appropriate.

- B. Additional Materials. The following additional information shall be submitted to accompany the final subdivision plat:

1. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs), or a written statement signed by the applicant that no such restrictions will be established.
2. Title guarantee by a title company doing business in Wasco County, showing names of persons whose consent is necessary for preparation of the final plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements therein to be offered for dedication.
3. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer.
4. A description of the entity receiving a dedication for public use (City, County, Homeowners Association, Special District, etc.). If a Homeowners Association is receiving the dedication, then articles of incorporation must be included.

C. Dedications and Public Utility Requirements.

1. The following items shall be offered for dedication for public use at the time the final subdivision plat is filed.
 - a) Parcels of land shown on the final subdivision plat as intended for public use.
 - b) Streets, pedestrian ways, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat.
 - c) Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be dedicated.
2. Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land proposed to be dedicated for public use, including but not limited to rights-of-way, drainage ways, open space, and easements.
3. Environmental assessments shall be conducted in accordance with *Section 10.110(F): Environmental Assessments*.

- D. Designation and Conveyance of Reserve Strips. Reserve strips 1 ft wide across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land may be required. These strips shall be designated on the final subdivision plat. The reserve strip shall be included in the dedication granting to the City right to control access over the reserve strip to assure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.
- E. Monumentation Requirements.
1. Monuments shall be set according to provisions of State law.
 2. In making the survey, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the County Surveyor. Setting of interior monuments may be delayed with approval of the approving authority as provided in subsection (4) below.
 3. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with State law.
 4. Interior "post monumentation" may be permitted by the approving authority at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that:
 - a) The applicant has shown it is necessary and practical to delay interior monumentation.
 - b) The applicant agrees to furnish a bond or cash deposit to the City in an amount equal to 150% of the estimated cost of performing the work for interior monuments.
 - c) The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter

92 shall be followed; establishes a date when monumentation will be completed; and, sets out other particulars that may be necessary to insure complete monumentation at a later date.

- F. Review of Final Subdivision Plat Application. Within 14 days after receiving an application for final subdivision plat, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant and state what is needed for a complete application.
- G. Coordination by Director. The Director shall coordinate review of the final subdivision plat as required above. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures as appropriate: City Council, Commission Chair, City Engineer, County Assessor, County Surveyor, County Clerk, County Tax Collector, County Treasurer, and County Court. The City Engineer may make field checks to verify that the map is sufficiently correct on the ground and may enter the property for this purpose.
- H. Installation of Required Public Improvements. Before the signature of the City Engineer is obtained, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required public street, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the subdivision application approval. For purposes of this Chapter, required improvements mean those public improvements and private streets required to be installed as part of the approval of the development. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:
1. Install Improvements. The applicant may install the required improvements for the subdivision, in accordance with the requirements of *Section 9.040.050: Construction Drawings and Specifications for Public Improvements* and *Chapter 10: Improvements Required with Development* prior to recording the final subdivision plat.

2. Agree to Install Improvements. The applicant may execute and file an agreement with the City specifying the maximum period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. The agreement shall also provide a 1 year guarantee to the City on all improvements. A performance guarantee, as provided below in *Subsection (I)*, shall be required as part of the agreement. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility service will be provided as required by *Subsection (K)* below.

3. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee, as provided below in *Subsection (I)*, shall be required under the improvement district procedure.
 - I. Performance Guarantee. Where required by the provisions of this ordinance, the applicant shall provide a performance guarantee to assure full and faithful performance thereof, in one of the following forms:
 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 2. In lieu of the surety bond, the applicant may:
 - a) Deposit with the City Finance Director cash money to be released only upon authorization of the City Engineer.

- b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer.
 - c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer.
 - d) Provide bonds in a form approved by the City Attorney.
3. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
 4. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference, plus the cost of collections.
- J. Public Improvements. See Section 9.030.050: *Final Partition Plat Review (C)(1)*.
 - K. Franchise Utility Service. Prior to approval of the final subdivision plat, the applicant shall install or provide financial assurances to the satisfaction of the Director that electrical power, natural gas, cable television, and telephone service is or will be provided for each lot unless specifically exempted during the review of the subdivision application.
 - L. Removal of Existing Services. Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed subdivision shall be removed prior to filing of the plat.
 - M. Recording the Final Subdivision Plat. When all required signatures have been obtained on the final subdivision plat, the applicant shall record the subdivision plat and any required covenants with the Wasco County Clerk.

- N. Effective Date. Authorization of the final subdivision plat shall become legally effective when 2 copies of the recorded subdivision plat and any covenants, conditions and restrictions are received by the Department.

9.040.070 Major Replats

Applications for major replats shall be reviewed and processed per the provisions of the subdivision application, public improvement, and final subdivision plat procedures in *Sections 9.040.020, 9.040.030, 9.040.040, and 9.040.050* above.

Section 9.050**PLANNED DEVELOPMENT**

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9.050.010 Background

Development regulations with pre-stated requirements may frustrate innovative development proposals and the use of project and architectural designs that are in the public interest. The Planned Development process seeks to permit greater flexibility and creativity in land development than may be possible under the strict interpretation of the provisions of this Ordinance.

9.050.020 Purpose

Planned Development review procedures are established in this Section to promote flexibility in design and allow diversity and creativity in the location of structures; promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities; preserve to the greatest extent possible existing landscape features and usable open space, and incorporate these into the overall site plan; provide for more usable and suitably located recreation facilities, open space, and other public and common facilities than would otherwise be provided under conventional land development procedures; encourage mixed uses in a development project; combine and coordinate architectural styles, building forms and building relationships within the Planned Development; and, to provide greater compatibility with surrounding land uses than what may occur with a conventional project.

9.050.030 General Provisions

Planned Development is an alternative development option which, where allowed in a zone district, is processed as a conditional use permit, per the provisions of *Section 3.050: Conditional Use Permits*. Where land in a planned development is to be partitioned or subdivided, all the related requirements of this Chapter shall apply. Planned development proposals are subject to the following provisions:

- A. Application Options. Applicants for Planned Developments may submit development proposals under a Detailed Development Plan (where sufficient information has been submitted) in accordance with *Section 9.050.060: Detailed Development Plan Review Procedures*, or request the approval of a Conceptual Development Plan in accordance with *Section 9.050.040: Conceptual Development Plan Applications* and *Section 9.050.050: Conceptual Development Plan Review*, and later apply for Detailed Development Plan approval. However, prior to issuing any building permits a Detailed Development Plan and construction drawings and specifications must be approved by the Commission and the City Engineer as appropriate.

- B. Zone Districts. Planned Development is an option limited to the residential and commercial areas designated on the Comprehensive Plan Map.
- C. Mixed Use Projects. Projects proposing to mix residential and commercial uses are limited to a maximum of 30% of the non-district use types in the total project. Example: In a residential zone, the commercial uses in a mixed-use planned development are limited to 30% of the total project.
- D. Street Networks. Planned developments shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality.
- E. Neighborhood Character. Planned development shall be in keeping with the character of established neighborhoods.
- F. Public Improvements. All public improvements shall require a performance guarantee per the provisions of *Section 9.040.060(I): Performance Guarantee*, and shall be designed and constructed per the provisions of *Chapter 10: Improvements Required with Development*.
- G. Utilities. All utilities shall be placed underground.
- H. Owners/Tenants Association. Any land and structures not dedicated to the public but reserved for the common use of the owners or tenants shall be subject to control by an association of owners or tenants created to form a non-profit association subject to the laws of the State of Oregon.
- I. Impact Statement. An impact statement containing an analysis of the social, environmental, and economic impact of the proposed development on the City shall accompany each application for planned development.
- J. Open Space Requirement. A minimum of 30% of a planned development site area shall be reserved as common space as follows: minimum 25% required as permanent open space and maximum 5% for areas of semi-public or public uses, such as recreation centers and laundry facilities.

9.050.040 Conceptual Development Plan Applications

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be included in the planned development. If the project is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in each of the separately owned properties to be included. Additionally, the application shall be accompanied by the following:
1. Four sets of full-sized blue or black line drawings of the tentative plat, with a sheet size not to exceed 18 in. by 24in., sheet size of any other graphics shall not exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted.
 2. One set of the graphics reduced to fit on 11 in. by 17 in. sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
 3. One copy of the project narrative on 8.5 in. by 11 in. sheets.
- B. Graphics. A Conceptual Development Plan application shall include all of the requirements of *Section 3.030.030(A): Site Plan* as part of the site plan review requirements for a conditional use, and all of the following graphic information where applicable:
1. An existing land use map. (A map that extends between 250 to 2000 feet beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools. The Director shall determine the coverage of the land use map based on potential impacts of the development proposal.)
 2. Site plan(s) and other graphics drawn to scale and containing a sheet title, date, north arrow, and legend placed in the same location on each sheet and containing the following:
 - a) The boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.

- b) General location of existing and proposed structures including building types and heights, and gross density per acre. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - c) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - d) Existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate.
 - e) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict.
 - f) Existing and proposed utility systems, easements and/or rights-of-way, including sanitary sewer, storm sewer, drainage ways, water, cable TV, power, natural gas, telephone, and street lights as appropriate.
 - g) Information sufficient to determine if existing streets and utility systems are adequate for the proposed development. Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.
 - h) Sufficient information on land areas within at least 300 feet of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems, public facilities, and unique natural features of the landscape.
 - i) Identification of site significant natural features.
3. The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed Planned Development. The Director may also require additional information to evaluate the proposal.

- C. Narrative Requirements. A written statement accompanying the Conceptual Development Plan shall include:
1. Statement of planning objectives to be achieved by the Planned Development. This statement should indicate a description of the character of the proposed development, rationale behind the assumptions and choices made, and a discussion indicating how the application meets the review criteria in *Subsection 9.050.050 (B)* below.
 2. A description of the types and sizes of all proposed commercial uses.
 3. Statement of intentions with regard to future selling or leasing of all or portions of the Planned Development.
 4. Quantitative data for the following where appropriate:
 - a) Total number and type of dwelling units.
 - b) Size of parcel(s) in square feet for each parcel.
 - c) Proposed lot coverage of buildings and structures where known.
 - d) Gross densities per acre.
 - e) Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas).
 - f) Total amount and type of nonresidential construction.
 - g) Economic feasibility studies or market analysis where necessary.
 5. General description of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements.
 6. Statement describing project phasing, if proposed. Phases shall be:
 - a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - b) Arranged to avoid conflicts between higher and lower density development.

- c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.
7. An impact statement containing an analysis of the social, environmental and economic impact of the proposed development on the City of The Dalles.

9.050.050 Conceptual Development Plan Review

- A. Review Procedure. Planned Development Conceptual Development Plans shall be reviewed by the Commission, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*, as part of the conditional use permit.
- B. Review Criteria. Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan, the appropriate Site Plan Review criteria, and applicable provisions of this and other City Ordinances, policies and standards. In addition, the following compatibility factors shall be considered:
 - 1. Basic site design (the organization of uses on a site).
 - 2. Visual elements (scale, structural design and form, materials, and so forth).
 - 3. Availability of, and impacts on existing infrastructure and utilities.
 - 4. Noise attenuation.
 - 5. Noxious odors.
 - 6. Surface water run-off and methods to control run-off.
 - 7. Lighting.
 - 8. Signage.

9. Landscaping for buffering and screening.
 10. Traffic.
 11. Effects on off-site parking.
 12. Effects on air and water quality.
- C. Period of Approval and Extension. Approval of a Conceptual Development Plan shall be valid for a 1 year period from the effective approval date. If the applicant has not submitted a Detailed Development Plan for the Planned Development, or phases thereof, before the 1 year effective period expires, the approval shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in the Director's opinion, conditions related to the project and surrounding area have not changed. Extension requests must be received by the Director at least 60 days prior to approval expiration.
- D. Modification of a Conceptual Development Plan. An applicant may request review of previously approved plans for purposes of modifying such plans, stating the reasons. The Commission, upon finding that the petition is reasonable and valid, may consider redesign in whole or in part of the original Conceptual Development Plan. In reviewing a modification request, the Commission shall follow the procedures required for a Conceptual Development Plan submittal. Decisions on modification requests must be consistent with the review criteria in *Subsection (B)* above.

9.050.060 Detailed Development Plan Review

- A. Application Requirements. Applications for Detailed Development Plans shall meet the application and review requirements specified for Conceptual Development Plans in *Section 9.050.040* and *9.050.050* above, and include the following:
1. Graphic Requirements. The following graphic requirements are required in addition to those specified for a Conceptual Development Plan:
 - a) Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.

- b) Drainage and grading plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the planned development abuts existing developed lots, a grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the project that would affect or be effected by the project and adjacent areas. The plan shall show how runoff or surface water from the project will be managed and ultimately disposed of. Permanent and temporary erosion control, and height and depth for all cuts and fills shall be clearly indicated.
- c) Location and floor area of existing and proposed structures and other at-grade and above-grade improvements, easements and rights-of-way, and density per gross acre (for residential developments).
- d) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
- e) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems proposed to maintain plant materials.
- f) Detailed utilities plan indicating how sanitary sewer, storm sewer, drainage, water systems, and street lighting will function.
- g) Detailed plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their materials and dimensions.
- h) Location and dimensions of all areas proposed to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas, and a description of the entity receiving a dedication for public use (City, County, Homeowners Association, Special District, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.

2. Narrative Requirements. In addition to the narrative requirements specified in *Section 9.050.040: Conceptual Development*, the Detailed Development Plan shall include:
 - a) Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of off-street parking spaces to be provided (in ratio to gross floor area or number of units).
 - b) Detailed statement outlining timing, responsibilities, and performance guarantees for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.
 - c) Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

3. Tentative Plat. If a Planned Development is intended to be subdivided, a tentative plat may also be submitted per the provisions of *Section 9.040.030: Subdivision Applications* to permit simultaneous review.

- B. Acceptance of Completed Applications. After applications for Detailed Development Plans are accepted as complete, per the provisions of *Section 3.010.040: Applications*, any revisions shall be regarded as a new application, requiring additional filing fees and reprocessing as a new quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

- C. Review Criteria for Determining Compliance with Conceptual Development Plan. Requests for approval of a Detailed Development Plan shall be reviewed to determine substantial compliance with the approved Conceptual Development Plan. A Detailed Development Plan is in substantial compliance with the Conceptual Development Plan provided it is consistent with the review criteria in *Section 9.050.050: Conceptual Development Plan Review*, and does not involve changes to any of the following factors that constitute a major modification in the Planned Development:
 1. Land use.
 2. Increase in dwelling unit density.
 3. Ratio of number of different types of dwelling units.

4. Type of commercial structures.
 5. Street and utility systems impacts, such as the type and location of accessways and parking areas where off-site traffic would be affected.
 6. Increase in the floor area proposed for nonresidential use by more than 10% from what was previously specified.
 7. Reduction of more than 10% of the area reserved for common open space and/or usable open space from what was previously specified.
 8. Increase in the total ground area proposed to be covered by structures by more than 5% from what was previously specified.
 9. Reduction of specific setback requirements by more than 25% where previously specified.
 10. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10% from what was previously specified.
 11. Any other modification to specific requirements established at the time of Conceptual Development Plan approval.
- D. Scope of Review. Where a Conceptual Development Plan was previously approved, the Commission shall limit its review of the Detailed Development Plan to those aspects of the development not previously reviewed.
- E. Major Modification(s) to Detailed Development Plan.
1. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change.
 2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in *Subsection 9.050.060 (C)*, the revised application shall be considered a new application, and processed as a new quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

- F. Minor Modification(s) to Detailed Development Plan. A modification within the description of a Major Modification but which, in the Director's judgment, involves a change which does not alter the scope or character of the proposed project shall be considered a Minor Modification and may be approved, conditionally approved, or denied by the Director. Notice of the minor modification(s) shall be provided to all parties of record, and affected utilities and service providers. Notice is not required when a modification is determined by the Director to reduce the project's negative effects or to have no effect on the surrounding area. For example, a proposed reduction in density or increase in percentage of open space may be approved by the Director without mailing notice.
- G. Appeals. In addition to the requirements specified in *Section 3.020.080: Appeal Procedures*, an appeal of a Detailed Development Plan subsequent to Conceptual Development Plan approval shall only be heard for those items specifically addressed by the Commission for the Detailed Development Plan.
- H. Period of Approval and Extension.
1. Approval of a Detailed Development Plan shall be valid for a 3-year period from the date of approval. If the applicant has not begun construction within this time frame, all approvals shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in his opinion, conditions related to the project and surrounding area have not changed
 2. A Detailed Development Plan may be implemented in phases. All phasing shall occur within the time limits established in *Subsection (H)(1)* above. Each phase shall require an adequate performance guarantee for public improvements per the provisions of *Section 9.040.060(1): Performance Guarantee*.

9.050.070 Final Inspection, Acceptance, and Bond Release for Public Improvements

The final inspection and acceptance of public improvements, and release of the performance guarantee, shall be in accordance with the provisions of *Chapter 10: Improvements Required with Development*.

9.050.080 Noncompliance with the Approved Detailed Development Plan

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer. If the noncompliance is not corrected, enforcement action may be taken per the provisions of *Chapter 15: Enforcement*, and building permits for further construction may be withheld or revoked.

Public improvements that differ substantially from the approved construction drawings and specifications may not be accepted by the Public Works Director.

9.050.090 Planned Development Nullification

- A. Application to Nullify. Property owner(s) or their authorized agents may apply to nullify an approved Planned Development by filing an application form provided by the Director. The Planning Commission shall review the nullification application at a public hearing. Hearing notice and notice of decision shall be made per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.
- B. Burden of Proof. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
 1. Developing the property under conventional district standards and regulations will not create nonconforming development.
 2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
 3. Conditions attached to the approved Planned Development by the Commission can be met or are no longer necessary.
 4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Chapter 10**IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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10.010 Purpose

This chapter provides general information regarding improvements required with residential, commercial, public and quasi-public, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. Where not amended by the City, requirements shall be the same as those adopted by the Oregon Chapter of the American Public Works Association (APWA).

10.020 General Construction Standards

General construction standards which apply to improvements required with development shall be set by the City Engineer and made available to the developer. These standards shall include, but are not limited to: public notification requirements for construction, the protection of existing utilities, damage to structures or roadways, the pre-construction meeting requirement for all major projects, requirements for materials and workmanship, testing, as-built drawings, warranty of public improvements against defects, and the final inspection and acceptance of all public improvements.

10.030 Timing of Improvements

- A. General. Except sidewalks which are described below in Subsection (B), all improvements required by the standards in this Section shall be installed per the provisions of *Section 9.040.060(H): Installation of Required Improvements*. The construction, installation, placement, or addition of a dwelling unit on a lot, including one that replaces another dwelling or structure, shall initiate the requirement of full public improvements, including street, curb, sidewalk, and storm sewer, except when the existing dwelling is destroyed by an act of God and the replacement dwelling has no more than 110% of the total square footage of the original.
- B. Sidewalks. The timing of the installation of sidewalks shall be as follows:
 1. Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements.
 2. Sidewalks along local streets shall be installed per the requirements of any final plat approval, in conjunction with development of a particular site unless postponed with City approval.
 3. Where sidewalks on local streets abut common areas, drainage ways, or other publicly owned areas, the sidewalks and planted

areas shall be installed with street improvements.

- C. Phased Development. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.
- D. Annexation. As part of any development, including but not limited to new construction, land division, extension of City services, rezone, or a change of use, of a parcel inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.
- E. Waivers of Remonstrance. Developments of other than single family dwellings may be able to use the provisions of Section 6.110. Waivers of Remonstrance, in lieu of immediate installation of public improvements.

10.040 Pedestrian Requirements

- A. Sidewalks. Sidewalks shall typically be required along both sides of all arterial, collector, and local streets as follows. The approving authority may reduce the sidewalk requirement to one side of the street where significant topographic barriers exist (such as west Scenic Drive), or in other non-residential areas where the developer can demonstrate that sidewalks are not necessary on both sides of the street.
 1. Local. Sidewalks shall be a minimum of 5 feet wide, and shall be separated from curbs by a planting area that provides at least 5 feet of separation between sidewalk and curb.
 2. Collectors. Sidewalks along collector streets shall be a minimum of 5 feet wide and may be required to be separated from curbs by a planting area a minimum of 5 feet wide between the sidewalk and curb.
 3. Arterials. Sidewalks along arterial streets may be required to be separated from curbs by a planted area a minimum of 10 feet wide between the sidewalk and curb, and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 5 feet wide if separated from the street by a 10 foot planting area; otherwise the sidewalk shall be 10 feet wide.
- B. Connectivity. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments,

industrial areas, residential areas, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian facilities that are reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips, that provide a direct route of travel between destinations, and that meet the travel needs of pedestrians considering destination and length of trip.
2. To meet the intent of (B) above, separated pedestrian rights-of-way connecting non-through streets or passing through unusually long or oddly shaped blocks shall be a minimum of 18 feet wide. When these connections are less than 220 feet long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 6 feet wide. Connections that are either longer than 220 feet or serve more than 10 on-site dwellings shall have a minimum 10 foot wide paving width, or wider as specified in *Section 10.050(C): Pedestrian and Bicycle Facilities Widths*.
3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian walkways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.
 - b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.
 - e) Walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer.
(This provision does not require a separated walkway)

system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

- C. Trail Linkages. Where a development site is traversed by or adjacent to a future trail linkage identified within The Dalles Transportation System Plan, Comprehensive Plan, or Riverfront Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the Public shall be provided in accordance with *Section 10.110(C): Future Trail Linkages*.
- D. Pedestrian Network. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. Off-Site Improvements. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the approving authority may require off-site pedestrian facility improvements concurrent with development.

10.050 Bicycle Requirements

- A. Bike Lanes. On-street bike lanes shall be required on all new arterial and major collector streets, and with improvements and widening of such streets, and constructed at the time of street improvements.
- B. Connectivity. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, and neighborhood activity centers such as schools and parks. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
 - 1. For the purposes of this section, "safe and convenient" means bicycle facilities which are reasonably free from hazards that would interfere with or discourage bicycle travel for short trips, provide a direct route of travel between destinations, and meet the travel needs of bicyclists considering destination and length of trip.
 - 2. Bicycle/pedestrian rights-of-way connecting non-through streets

or passing through unusually long or oddly shaped blocks shall be a minimum of 18 feet wide.

- C. Pedestrian and Bicycle Facilities Widths. Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:
1. 8 foot bike paths should be used where long-term bicycle and pedestrian usage is expected to be relatively low (a neighborhood facility rather than a community-wide facility) and with proper alignment to ensure adequate sight distance.
 2. 10 feet shall be used as a standard width for two-way bike paths.
 3. 12 foot bike paths shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians and joggers.

10.060 Street Requirements

- A. Traffic Studies. Traffic studies shall be required of all development proposals of 16 or more dwelling units, and any other development proposal that is likely to generate more than 400 average daily motor trips. In addition, a traffic study may be required if the development proposal is near an intersection that is already at or below level of service D. Notwithstanding the previous language, the City may require an initial, limited traffic study to determine the level of service at nearby intersections. If the limited traffic study finds the level of service to be at or below “D”, the City may require a full traffic study. The traffic study shall be conducted in accordance with the following:
1. A proposal establishing the scope of the traffic study shall be submitted for review to the Director. The study requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic study has been approved, the applicant shall present the results with an overall site development proposal. The study shall be sealed and signed by a Licensed Professional Engineer specializing in traffic.
 2. If the traffic study identifies level-of-service conditions less than the minimum standard established in The Dalles Transportation Master Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

3. Location of new arterial streets shall conform to The Dalles Transportation Master Plan, and traffic signals should generally not be spaced closer than 1500 feet for reasonable traffic progression.
- B. Pass-Through Traffic. Local residential streets are intended to be designed to discourage pass-through traffic. (NOTE: For the purposes of this section, "pass-through traffic" means the traffic traveling through an area that does not have a local origination or destination.) To discourage pass-through traffic the following street designs shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length, and include design features such as curves and "T" intersections.
 2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic.
 3. Non-through streets should not exceed 440 feet nor serve more than 16 dwelling units.
- C. Improved to Standards. Development sites shall be provided with access from a street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development, or the improvements shall be constructed and paid for in accordance with the implementation policy for local improvements set forth in Resolution No.07-007.
 2. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, these may be approved by the approving authority where essential to the reasonable development of the property. A typical example of an allowed half street improvement would be for a residential rear lot development option (see *Section 9.020.030: Residential Rear Lot Development*). Approval for half-street improvements may be allowed when other standards required for street improvements are met and when the approving authority finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the approving authority may require off-site street improvements concurrent with development.

D. Orderly Development. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties shall always be installed with turn-around, unless waived by the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with *Section 9.040.060(D): Designation and Conveyance of Reserve Strips*.
3. Drainage facilities, and erosion control measures as appropriate, shall be provided to properly manage storm water run-off from temporary dead-ends.

E. Connectivity.

1. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development as follows:
 - a) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless specifically exempted by the City Engineer. The restoration and extension of the street shall be the responsibility on any future developer of the abutting land.
 - b) Residential streets shall connect with surrounding streets to permit the convenient movement of traffic between neighborhoods or facilitate emergency access or evacuation. Connections shall be designed to minimize pass through traffic on local streets. Appropriate design and traffic controls such as four-way stops, 'T' intersections, roundabouts, and traffic calming measures are the preferred means of discouraging through traffic.
 - c) Arterial and Collector streets shall meet at 4-way 90°

intersections unless a different intersection design is specifically authorized by the City Engineer.

- F. Street Names. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.
- G. Alleys. Alleys are encouraged as functionally efficient for rear loading on all types of property, and may be required by the approving authority to:
1. Provide for continuation of existing alleys.
 2. Provide for rear lot vehicle access to properties fronting on arterial and collector streets.
- H. Unusual Situations. Where standards do not exist to address unusual situations, the approving authority may require as a condition of development the approval of special design standards recommended by the City Engineer.
- I. Private Streets. Private streets, though discouraged in conjunction with land divisions, may be considered within a development site provided all the following conditions are met:
1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties.
 2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowners' association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained.
 3. Private streets are designed to the City standards contained in Section (J) below.
 4. Where a private street is installed in conjunction with a land division, construction standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.
 5. In addition to the name of the street, all private street signs shall also contain the words "Private Street" in letters of the same size as the name of the street.

J. Location, Grades, Alignment and Widths. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely effected, and requests for exceptions are adequately justified and prepared and sealed by a licensed professional engineer. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 12 percent on local streets.
3. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.
4. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) Alignment shall be as straight, and gradients as flat as practical. Substantial grade changes shall be avoided at intersections. Where conditions make the grade requirements in Subsections (b) and (c)) below cost prohibitive, the City Engineer may allow grades up to 6% with a corresponding adjustment in related design factors. Requests for such exceptions shall be accompanied by a justification prepared and sealed by a licensed professional engineer.
 - b) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 2% in this area.
 - c) The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 3% in this area.
 - d) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum

angle of 60 degrees and a corner radius of 20 feet along the right-of-way lines of the acute angle.

- e) Intersections with arterial streets and established truck routes shall have a minimum curb corner radius of 20 ft.
 - f) All other intersections shall have a minimum curb corner radius of 15 feet.
5. Except for streets designated in the Transportation System Plan as local and located in residential zones, right-of-way and improvement widths and standards shall be as specified in the chart below, or as modified in subsection 6. Streets designated in the Transportation System Plan as local and located in residential zones shall meet development standards as established by City Council resolution. A copy of the latest resolution can be obtained from the Community Development Department.

The Dalles Arterial, Collector and Industrial/Commercial Street Standards Matrix

Street Type	Speed (MPH)	Bike Lanes	Street Width (Feet)	Sidewalk/ Planter Strip	ROW
Three Lane Arterial	25-35	Required (6+6)	50 (6+12+14+12+6 no parking) or 66 (8+6+12+14+12+6+8)	12-20 feet each side	90
One Way Arterial	25	Required (6)	46 (8+12+8+6+8)	10.5-15.5 feet each side	67-77
Major Collector	25-35	Required (6+6)	52 (8+6+12+12+6+8)	5.5-12 feet each side	63-76
Industrial Major Collector	25-35	Required (6+6)	40 (6+14+14+6 no parking)	10 feet each side (sidewalk may be one side only)	60
Minor Collector (and Commercial/Industrial Local)	25-30	None	38-40 (8+11/12+11/12+8)	10-11 feet each side	60

Note: All streets in this matrix will be striped.

RESOLUTION NO. 15-017

**A RESOLUTION ESTABLISHING PUBLIC IMPROVEMENT
GUIDELINES FOR RESIDENTIAL STREETS**

WHEREAS, the City Council has determined that public improvements for residential streets can best be provided by flexible guidelines rather than fixed standards which are adopted as part of the City's Land Use and Development Ordinance; and

WHEREAS, on March 15, 2010, the City Council adopted General Ordinance No. 10-1303, which provided that new development standards for streets in residential zones were to be established by City Council resolution; and

WHEREAS, on April 26, 2010, the City Council adopted Resolution 10-007 to set development standards for streets in residential zones pursuant to General Ordinance No. 10-1303; and

WHEREAS, the Planning Commission has reviewed the standards set out in Resolution 10-007 and has determined that those standards should be amended; and

WHEREAS, the Planning Commission has recommended a series of changes to the City's residential street standards; and

WHEREAS, the City Council has had the opportunity to review the proposed guidelines on several occasions, and

WHEREAS, on January 26, 2015, the City Council held a public hearing to review the recommendations of the Planning Commission on changes to the standards set out in Resolution 10-007; and

WHEREAS, following the public hearing on January 26, 2015, the City Council approved new guidelines and directed staff to prepare a Resolution adopting the guidelines; and

WHEREAS, it is in the best interest of the public for the City Council to adopt the proposed public improvement guidelines,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS
FOLLOWS:**

Section 1. Public Improvement Guidelines Adopted. Public improvement guidelines are hereby adopted for those streets as listed in the document entitled "Residential Street Public Improvement Guidelines", attached hereto.

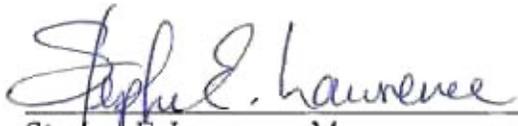
Section 2. City Manager Authorized to Approve Exceptions. The City Manager is authorized to make exceptions to these guidelines on a case by case basis, subject to notification to the Planning Commission and City Council, and allowing 30 days after the notification for either body to request a review of the proposed exception.

Section 3. Effective Date. This resolution shall be effective as of April 13, 2015.

PASSED AND ADOPTED THIS 13th DAY OF APRIL, 2015

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 13th DAY OF APRIL, 2015



Stephen E. Lawrence, Mayor

Attest:



Julie Krueger, MMC, City Clerk

Residential Street Public Improvement Guidelines

1. These guidelines shall replace those established in Resolution 10-007 and will be placed in the Land Use and Development Ordinance under Section 10.060. J. 5.
2. These guidelines apply only to one and two family homes constructed on individual lots. Commercial development, subdivision, and multi-family development shall meet the public improvement requirements found in the LUDO.
3. The City shall establish a network of streets to provide enhanced accessibility for vehicular, pedestrian, and bicycle access as required by OAR 660-012-1145.
4. The designated Network Streets are as follows:
 - a. Chenoweth Loop;
 - b. Hostetler from 6th to 10th;
 - c. Snipes from 6th to 10th;
 - d. West 10th from the west Urban Growth Boundary line to Kelly;
 - e. Union from 5th to 10th;
 - f. Mt. Hood from 10th to the City limits;
 - g. Trevitt from 10th to Scenic;
 - h. Scenic Drive;
 - i. Brewery Grade;
 - j. Kelly Avenue;
 - k. East 16th Place;
 - l. East 19th from the western intersection of East 18th through Dry Hollow to the eastern end of East 19th;
 - m. Dry Hollow;
 - n. East 12th from Kelly to Thompson;
 - o. Thompson;
 - p. Old Dufur Road;
 - q. Fremont from Old Dufur Road to Summit Ridge Drive.
5. Typical street cross sections for these streets are shown on the attached sheets, with some exceptions. These typical cross sections are guidelines for the City Engineer to use and shall be modified to fit on site conditions. The City shall maintain a list of areas where modifications to these guidelines have been identified.
6. For single family dwellings that abut a network street and placed on an individual lot which are not part of a subdivision, the property owner shall be required to install a sidewalk if the City has established a curb line.

7. If the lot where the new dwelling is constructed does not abut a network street, then no street or sidewalk improvements are required.
8. Street engineering and construction and stormwater engineering and construction on network streets shall be the responsibility of the City, the timing and selection of projects at the City's discretion.

6. Modification of right of way standards.
- a. When new right of way is created adjacent to existing right of way that does not match City standards, the City Engineer may modify the standard widths for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and vehicles, connectivity, and smooth flow of traffic.
 - b. In lieu of right of way standards set out in Subsection 5 above, when development occurs on a lot adjacent to existing right of way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:
 - i. Require the installation of public improvements as contained in Subsection 5, or
 - ii. Require payment into the improvement fund for missing improvements, or
 - iii. Allow a combination of I and ii, or
 - iv. Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.

10.070 Public Utility Extensions

- A. General. All development sites shall be provided with public water, sanitary sewer and storm drainage, except as specified in Subsection (F) below. Unless specifically waived by the Director and City Engineer, any occupancy which uses water or sewer shall be required to hook up to a public facility for that service. The developer is responsible for extending these required services to and through the development site.
- B. Construction. Where necessary to serve property as specified in Subsection (A) above, required public utility installations shall be constructed concurrent with development.
- C. Off-Site Extensions. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. Extension Through The Site. To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. Standards. All public utility installations required with development shall conform to City standards.

- F. Private Utility Facilities. Private on-site water, sanitary sewer and storm drainage facilities may be considered when proposed buildings are not within 300 feet of utility main lines and provided all the following conditions exist:
1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties.
 2. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and written permission for such facilities is obtained from the Public Works Director prior to commencement of work.
 3. A non-remonstrance agreement for future utility improvements (including Local Improvement Districts) is signed by the property owner(s) and recorded with the deed, per the provisions of *Section 6.110: Waiver of Right to Remonstrate*, and all federal, state and local regulations are complied with.
 4. The County Sanitarian has approved all septic systems.
 5. The Oregon Health Division has approved any wells on the site.
 6. All runoff associated with the proposed development is collected and properly disposed of on site.

10.080 Public Improvement Procedures

It is in the best interests of the community to ensure that public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, street, bicycle, or pedestrian improvements for any development site, developers shall contact the Department to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances. The developer shall warranty all public improvements against defect for one year from the date of final acceptance by the City.

Whenever any work is being done contrary to the provisions of this and other City Ordinances, the Director or City Engineer may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be

performed. The work shall stop until authorized, by the Official serving the original stop work order, to proceed with the work or with corrective action to remedy substandard work already completed. Failure to heed a stop work order shall be punishable by a fine of \$250.00. Each day the stop work order is not complied with shall constitute a separate fine.

10.090 Final Inspection Procedure

1. **As-Built Drawings.** The owner, Developer or Agent shall have an Engineer prepare, at his own expense, a complete set of as-built drawings of any public improvement project from information provided by the Inspector and Contractor. The City shall be provided with one copy of the completed as-built drawings in either AutoCAD format on 3 ½” double sided, high-density disks, or 1 copy of India ink on mylar.
2. **Warranty.** The Contractor shall warrant all public improvements against any defects in the materials and workmanship provided for a period of one year from the date of the City’s final acceptance of the work. The Contractor shall remedy any defects in the work provided, and pay for any damages resulting there from, which shall appear within the one year warranty period. The City will give notice of observed defects with reasonable promptness. In the event that the Contractor or its surety should fail to make such repairs, adjustments or perform other work that may be made necessary by such defects, the City may do so and charge the Contractor, or its surety, the cost thereby incurred.
3. **Final Inspection and Acceptance.** The City Engineer will conduct a final inspection of all public improvement projects to ensure they meet City Standards before the City formally accepts them for ownership, operation or maintenance. The Contractor shall notify the City Engineer at least 48 hours in advance of the need for such an inspection. The following items will be properly recorded and copies on file with the Department of Public Works before the City Engineer will conduct the final inspection:
 - a) Inspection Records and Documentation including video, for gravity lines, and test reports.
 - b) As-Built Drawings.
 - c) Total Construction Cost.
 - d) Easements and, if appropriate, homeowners association information.

- e) Written releases from adjacent property owners where Contractor's operations have not been kept within easements or rights-of-way for any reason.
- f) Final Plat or Partition
- g) Warranty.

If the final inspection proves satisfactory, the City Engineer will formally recommend acceptance of construction. If not, the City Engineer will prepare a "punch list" for the Contractor detailing additional work required prior to final acceptance and will re-inspect the project following the Contractors certification that he has completed the work required by the "punch list." Upon final acceptance, the City will assume ownership and accept operation and maintenance responsibilities for the public improvements.

10.100 Franchise Utility Installations

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telecommunication, cable television, and natural gas services (hereafter referred to as "franchise utilities").

A. General.

1. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created with a subdivision shall have an individual service available or secured in accordance with provisions of *Section 9.040.060(J): Franchise Utility Service* prior to approval of the final plat.
2. Where necessary, in the judgment of the Director of Public Works, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
3. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of *Section 9.040.060(J): Franchise Utility Service* prior to occupancy of structures.

B. Location. Franchise utilities shall be placed in the public right-or-way, or

on private property in a dedicated utility easement.

- C. Natural Gas and Cable TV. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing both of the following conditions exist:
1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 2. The development is non-residential.
- D. Distribution Facilities. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts.
 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- E. Developer Responsibility. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- F. Street Lighting. The developer shall be responsible for street lighting along all public streets and/or intersections improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine street lighting requirements. The street light plan shall be designed by the serving electric utility to provide illumination meeting the requirements in the following table (or the requirements of the National Electric Code, with the approval of the City Engineer). Avoid layouts that place hydrants and standpipe connections in shadow.

RECOMMENDED LIGHTING LEVELS, IN FOOT-CANDLES

	COMMERCIAL	INDUSTRIAL	RESIDENTIAL
Arterial Street	2.0	1.4	1.0
Major Collector Street	1.2	0.9	0.6
Minor Collector Street	0.9	0.6	0.4
Local Street	0.6	See note below.	See note below.
Pedestrian Ways	1.0	1.0	0.5

NOTE: The City will only require the developer to light intersections in industrial and residential areas. Illuminate to a minimum of .4 foot-candles at 135 feet each way from the intersection centerline. The developer may choose to provide additional lighting; however, the City will not accept responsibility for the power bills for such extra lights.

2. The developer shall make all necessary arrangements for trenching, installation of conduit, wiring and pole bases with the serving utility prior to beginning construction of street lighting systems.
3. Standard street light installations are as follows:
 - a) A 23 foot aluminum pole with cobra head fixture and a 200 watt high pressure sodium lamp, or as adopted by the Northern Wasco County PUD (PUD) and approved by the City Engineer. Wood poles may be used in areas where overhead distribution lines exist or are approved by the City Engineer under *Section (D)(2)* above.
 - b) A 14' aluminum pole with "china hat" fixtures spaced 100' apart, or as adopted by the PUD and approved by the City Engineer, may be installed in residential areas at the developers discretion ONLY if the developer or homeowner's association assumes responsibility for associated power bills.

- c) Period lighting in the historic districts. Period pole and fixture as adopted by the PUD and approved by the Director.
4. The City Engineer shall coordinate actual installation of poles, fixtures and lamps with the serving utility when there are sufficient occupants or traffic loads on the public street to warrant their installation.

10.110 Land For Public Purposes

- A. Easements. Easements for public sanitary sewer, water, storm drain, and pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 - 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 - 2. The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to the greatest extent practicable unless otherwise required or approved by the City Engineer. Wider easements may be required for unusually deep facilities, or for facilities on steep grades.
- B. Drainage Ways and Water Courses. Where a development site is traversed by a drainage way or water course, the drainage way shall be protected and a drainage way dedication shall be provided to the Public.
- C. Future Trail Linkages. Where a development site is traversed by, or adjacent to, a future trail linkage identified within The Dalles Comprehensive Plan, Transportation Master Plan, or Riverfront Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the Director, considering the type of trail facility involved.
- D. Dedication of Rights-of-Way and Easements. Where rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be as identified in this Chapter or determined by the City Engineer.
- E. Recording Dedications. Where easement or dedications are required in

conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Attorney.

- F. Environmental Assessments. Environmental assessments shall be provided by the developer for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.
 2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate. Site reconnaissance shall include a walking reconnaissance of the site checking for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a licensed professional engineer skilled in the performance of such work.
 3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer

and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.

10.120 Mail Delivery Facilities

- A. Location. In establishing placement of mail delivery facilities locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Sidewalk. Where mail delivery facilities are proposed to be installed in areas with an existing or future curbside sidewalk, a sidewalk bypass/widening shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk bypass/widening, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Construction Specifications. Mail delivery facilities and the associated sidewalk bypass/widening (if necessary) around these facilities shall conform with the City's standard construction specifications. Actual mailbox units shall conform with the Post Office standards for mail delivery facilities.
- D. Installation. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.
- E. Cluster mailboxes. Cluster Mailbox installations must be consistent with the standards of those in Section 1111 of the Oregon State Structural Specialty Code.

Chapter 11**MANUFACTURED DWELLING PARKS**

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11.010 Purpose

The provisions in this Chapter are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development.

11.020 Permitted Structures

- A. Manufactured Homes. Manufactured Homes, as defined in *Chapter 2 - Definitions*. Mobile homes are not allowed.
- B. Accessory Structures. Accessory structures customarily incidental to the primary use in accordance with *Section 6.030: Accessory Development*. Accessory structures shall be subject to the Oregon Structural Specialty Code as appropriate.

11.030 Area Requirements

- A. Park Size. Manufactured Dwelling Parks, as defined in *Chapter 2 - Definitions*, shall be a minimum of 1 acre in size.
- B. Space Area. The minimum size for each space in a manufactured dwelling park is 2,500 square feet, provided that the overall density of the park does not exceed that allowed by the subject zone district.
- C. Space Dimensions. Per the requirements of ORS 446.100(c), each space shall be at least 30 feet wide and 40 feet long.

11.040 Setbacks

- A. Setback Between Park Structures and Abutting Properties. There shall be a minimum setback equal to the applicable side or rear yard setback specified by the zone district of the abutting property between abutting property and any dwelling or accessory park structure or a park road, but in no case shall the setback be less than 5 feet.
- B. Setback Between Park Structures and a Public Street Right-of-Way. There shall be an average 15 foot setback along the public street, with a minimum 10 foot setback.

C. Setbacks and Separation for Structures within the Park.

1. There shall be at least a 10 foot separation on all sides between dwellings.
2. Dwellings must be placed at least 14 feet apart where a flammable or combustible fuel storage vessel is located on or between units.
3. There shall be a minimum 10 foot separation between dwellings and park buildings.
4. There shall be a minimum distance of 5 feet between any structure and a park street or between any structure and a sidewalk intended for public use
5. Between accessory structures and between dwellings and accessory structures the following shall apply:
 - a) An accessory building shall not be located closer than 6 feet to any dwelling or other accessory building on adjacent space, except that a double carport or garage may be built which serves 2 adjacent dwellings.
 - b) When a double carport/garage is built to serve 2 adjacent dwellings, a minimum 3 foot separation shall be provided between the double carport/garage and any adjacent structure, dwelling, or dwelling accessory structure. As an alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent dwellings.

11.050 Park Perimeter Screening

Park perimeter screening shall meet the applicable requirements of *Section 6.010.050: Screening (Fences, Hedges, Walls other than Retaining Walls, Berms)*, and the following provisions. Where the following provisions disagree with the requirements specified in *Section 6.010.050: Screening*, the following requirements shall prevail.

- A. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or other suitable combination of screening/planting shall surround each manufactured dwelling park, except as specified in *Subsection (B)* below for lands adjacent to public streets, and shall meet the following requirements:

1. Perimeter screening shall not be placed in any required setbacks.
2. Suitable landscaping shall be provided in the required setback areas, and shall be used to reinforce perimeter screening.
3. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 5 feet in height.
4. All plant material shall reach their required height within 2 years of planting, and be maintained in a healthy, living condition as long as the park is in operation.

B. Perimeter Screening Adjacent to Public Streets. Applicants may choose one of the following options for screening adjacent to public streets:

1. A 6 foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a) **Fencing.** Any fence shall have an average 15 foot setback from the public right-of-way and shall meet the requirements of *Section 6.100: Vision Clearance*. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials.
 - b) **Berms.** Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 ft in 2 years. This combination is subject to the following standards:
 - (1) The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - (2) At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.
 - (3) Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

11.060 Development Standards

- A. Laws and Regulations. All the requirements of federal, state and local laws and regulations shall be met.
- B. Hazards To Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, or other adverse influences. No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.
- C. Set-Up Requirements. The minimum set-up and stand requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division, at the time the home is placed.
- D. Parking and Accessways.
 - 1. **Access.**
 - a) Parks greater than 10 acres in size shall be located to have access to a collector or arterial street.
 - b) Park access connections to public streets shall meet the requirements of *Section 6.050: Access Management*.
 - c) At least 2 vehicular exits shall be provided in every park. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
 - 2. **Parking.** Off-street parking facilities shall be provided on-site in accordance with *Chapter 7 - Parking Standards*.
 - 3. **Street Widths.** Park streets shall be a minimum of 20 feet wide. Where on-street parking is permitted, streets shall be a minimum of 30 feet wide.
 - 4. **Street Standards.** Streets shall be paved to standards adopted by the City Engineer.

5. **Non-Through Streets.** Non-through streets over 400 feet in length shall have a standard cul-de-sac bulb with a 38 foot curb-side radius, or hammer-head turn-around approved by the Fire Marshall and the City Engineer. Shorter dead end streets shall have a turn-around approved by the Fire Marshall and the City Engineer.
 6. **Walkways.** Paved walkways, at least 5 feet wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units to the public sidewalk system.
 7. **Lighting.** Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
 8. **Street Signs.** Street identification signs shall be provided according to applicable City requirements if 50 or more manufactured dwelling spaces are provided.
 9. **Fire Access.** Access for fire protection services shall permit fire apparatus to approach within 100 feet of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 12 feet wide.
- E. Public and Private Utilities.
1. Each manufactured dwelling park space shall be provided with water, sanitary sewer, storm drainage and street facilities, and electrical power, telecommunication, cable television and natural gas services in accordance with the requirements of *Chapter 10: Improvements Required With Development*.
 2. All utilities shall be installed underground.
- F. Space Coverage. Not more than 60 percent of a manufactured dwelling space may be occupied by a dwelling and any other attached or detached structures used in conjunction with such dwelling.
- G. Decks. Each manufactured dwelling stand shall be provided with one or more, at least semi-private, outdoor living area(s) adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other

equivalent surface material totaling at least 120 square feet of area and not less than 8 feet wide in any dimension.

- H. Skirting. Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.
- I. Swimming Pools. Swimming pools shall be set back at least 50 feet from the nearest residential area, and meet all other state health and safety requirements.

11.070 Landscaping

A landscape plan is required prior to signing a building permit application. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information. In addition, the following requirements shall apply:

- A. Plant Coverage and Maintenance. Required landscape areas shall be covered by **living plant material** capable of attaining 90 percent ground coverage within 3 years and shall be continuously maintained and **irrigated with permanent facilities** sufficient to maintain the plant material.

Plantings in Perimeter Areas. In addition to the requirements specified in *Section 11.060: Park Perimeter Screening*, and in *Section 6.010: Landscaping Standards*, landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce negative visual effects of roads and vehicle storage areas located within the park.

- B. Plantings Along Park Streets.
 1. **Street Trees**. Street trees shall be provided in accordance with *Section 6.010: Landscaping Standards*.
 2. **Continuity**. Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.

Chapter 12**RECREATIONAL VEHICLE PARKS**

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12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in Recreational Vehicle Parks, to protect the general public health, safety and welfare, and to describe the requirements for Recreational Vehicle Park development.

12.020 Development Standards

- A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, or other adverse influences. No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.
- C. Area Requirements.
 - 1. **Park Size.** RV Parks shall be a minimum of one acre and a maximum of 15 acres in size.
 - 2. **Space Area.** The minimum size for each space shall be 700 square feet and shall not include any common areas, roadways, general use structures, walkways, parking areas for vehicles other than RVs, or landscape areas.
- D. Setbacks.
 - 1. There shall be an average 10 foot setback between the park and any public streets, but in no case shall the setback be less than 5 feet.
 - 2. Side and rear setbacks shall be the same as, or greater, than the setbacks required by the zone district of abutting property(ies), but in no case shall the setback be less than 5 feet.

- E. Street Widths. Park streets shall have a minimum 10 foot wide paved surface for one way travel, and a minimum 20 foot wide paved surface for two-way travel. Where on street parking will be allowed, add 8 feet of pavement width for each side of street where parking is proposed. Streets shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each RV space.
- F. Access.
1. Access to an RV Park shall be from an arterial or collector street.
 2. Park access connections to public streets shall meet the requirements of *Section 6.050: Access Management*.
 3. At least 2 vehicular exits shall be provided in every park. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
- G. Screening. Except for the access roadway into the park, the park shall be screened on all sides abutting rights-of-way or neighboring properties per the provisions of *Section 11.060: Park Perimeter Screening*.
- H. Certificate of Sanitation. Evidence shall be provided prior to development approval that the park will be eligible for a certificate of sanitation as required by Oregon State law.
- I. Surfacing. All spaces for RVs shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the RV, not intended as an accessway to the RV or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- J. Water, Sewer, and Electrical Service. All RV parks shall be provided with adequate stations throughout the park providing for piped potable water filling and sewage disposal.
- K. Trash Receptacles. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations throughout the park for the use of guests. The number and capacity of trash receptacles shall be sufficient to insure there is no uncovered accumulation of trash at any time in the park.

- L. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of .15 and a maximum of 1 parking spaces per RV space. Parking areas shall meet all of the requirements of *Section 7.030: General Design Standards for Surface Parking Lots.*
- M. Toilets, Lavatories, and Showers. The park shall provide toilets, lavatories, and showers for each gender. For every 15 RV spaces (or fraction thereof) there shall be 1 toilet, 1 urinal, 1 lavatory, and 1 shower for men, and 2 toilets, 1 lavatory and 1 shower for women. The toilets and the showers shall afford privacy and the showers shall be provided with private dressing areas. Facilities for each gender shall be located in separate buildings, or if in the same building, shall be separated by a soundproof wall.
- N. Utility Area. The park shall provide at least 1 utility building or room containing 1 clothes washing machine and 1 clothes drying machine for every 15 RV spaces.
- O. Standards for Buildings. The building spaces required by Subsections (M) and (N) above shall be lighted at all times of day and night, shall be ventilated, shall be provided with heating and cooling facilities, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with floor drains adequate to permit easy cleaning.

12.030 Landscaping

All areas not occupied by buildings, streets, and RV spaces shall be landscaped per the provisions of *Section 6.010: Landscaping.* A landscape plan is required prior to the City signing a building permit application.

12.040 Park Maintenance and Storage

Each RV Park shall at all times keep a neat appearance. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any of the guests.

12.050 Length of Stay

No recreational vehicle shall remain in the park for more than 30 days in any 60 day period. Exceptions shall include one space of unlimited duration for a park manager, and up to one-third of the spaces for stays up to 6 months. Spaces for extended stays shall be marked as such.

12.060 Review Process

Recreational Vehicle Parks shall be reviewed as conditional uses per the provisions of *Section 3.050: Conditional Use Permits*.

Chapter 13**SIGN REGULATIONS**

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Section 13.010**INTRODUCTORY PROVISIONS**

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13.010.010 Purpose

The purpose of this section is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- A. Promote free and meaningful exchange of ideas and information.
- B. Protect the health, safety, property, and welfare of the public.
- C. Improve the neat, clean, orderly, and attractive appearance of the City.
- D. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- E. Provide for the reasonable, orderly, and effective display of outdoor advertising.
- F. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.
- G. Provide effective signing to meet the anticipated differing needs of various areas in the City.

13.010.020 Scope

The provisions of this ordinance apply to all lands within the City Limits of the City of The Dalles. The provisions of this ordinance apply to all lands outside the City Limits but within the Urban Growth Boundary of the City of The Dalles, from the date of adoption of this ordinance by the Wasco County Court in accordance with the City/County Joint Management Agreement.

13.010.030 Definitions

Words used in the present tense include the future, the singular number includes the plural, and word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

Animation means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

Approved Plastic means a plastic approved by Underwriters Laboratory for use in construction of electric signs.

Area means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.

Awning means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

Building Front means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Business means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.

Canopy means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

City means the City of The Dalles, Oregon.

Cutout means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

Director means the Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this ordinance.

Display Surface means the area made available by the sign structure for the purpose of displaying a message thereon.

Erect means to construct, paint, place, affix, or otherwise bring into being.

Electronic Reader Board means a sign designed to display electronic messages that move, flash, or scroll, the content of which may be changed.

Incombustible Material means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

Low profile building means a building with a roof less than twelve feet above the sidewalk.

Maintain means to allow to exist or continue.

Marquee means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

Nonstructural Trim means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

Person means an individual, corporation, partnership, association, joint venture, or other legal entity.

Projection means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

Roof Line means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

Shopping Center means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the Director including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

Sign means any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

1. "Abandoned Signs" means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:
 - a) An advertising sign where a person has merely leased or contracted advertising space thereon.
 - b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.

2. "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
3. "Building directory" means a sign giving the name and room number or location of the occupants of a building.
4. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.
5. "Electric sign" means a sign containing electrical wiring.
6. "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.
7. "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.
8. "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.
9. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
10. "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.
11. "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.
12. "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.
13. "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.

14. "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.
15. "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.
16. "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.
17. "Secondary wall sign" means an incidental, permanent, on-premise flush sign.
18. "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.
19. "Under marquee sign" means a sign erected under and supported by a marquee or canopy.
20. "Unsafe sign" means any sign deemed to be unsafe by the Director.

Street Frontage means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

Uniform Building Code means the Uniform Building Code as adopted by the State of Oregon.

Urban Growth Boundary means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.

Zone means a zone established pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

Section 13.020**GENERAL PROVISIONS AND PROCEDURES**

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13.020.010 Sign Permit

No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 13.020.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 13.020.040.

13.020.020 Permit Fee

Before a sign permit is issued, a permit fee therefore shall be paid to the City. The City Council may, at any time, adopt a resolution to set or adjust sign permit fees.

13.020.030 Permit Exceptions

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.

13.020.040 Permit Procedure

- A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.
- D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.
- E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.
- F. The Director will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless

referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 13.070.100.

- G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.
- H. Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire.

13.020.050 Measurement

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc. or other attention-getting device, shall be the area included between two sets of horizontal and vertical lines as follows:

- A. The horizontal line shall be contiguous to the top and bottom edges of the farthest projecting elements; and
- B. The vertical line shall be contiguous to the furthestmost projecting lateral elements.
- C. Single signs with display faces on two sides shall be measured on one face only.

Section 13.030**EXEMPT, TEMPORARY AND PROHIBITED SIGNS**

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13.030.010 Exempt Signs

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Section 13.060, and with all specified standards of this Section.

- A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.
- B. Benches with advertising thereon if approved by the Planning Commission.
- C. Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- D. Christmas or seasonal decorations as customarily used.
- E. Construction Signs of 32 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.
- F. Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- G. Directional sign erected by public authority.
- H. Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- I. Garage Sale Signs. These signs are allowed, one per calendar month to a premise, with a maximum of three square feet in area. Signs not exceed 72 hours in duration.
- J. Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- K. House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.
- L. Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.

- M. Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.
- N. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones. Up to one quarter of the maximum of eight (8) square feet may be a logo or company name.
- O. Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- P. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- Q. Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- R. Signs located inside a building unless such sign is prohibited under Section 13.030.020.
- S. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.
- T. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.
- U. Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in *Section 6.100*. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.
- V. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up-to five years after approval of subdivision. Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.

- W. Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, a maximum sign area of four square feet, and maximum height of six feet.
- X. Tourist Oriented Destination (TOD) Signs. It is the purpose of this Section to allow signs for TODs not readily visible from public roads under the following set of criteria:
1. Signs generally will be allowed at intersections only.
 2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
 3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
 4. Except as provided for in #3, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
 5. If the business is seasonal, the sign may be covered during the off season.
 6. The number of signs is limited to the minimum necessary to adequately direct visitors.
 7. An application with fee is required.
 8. The business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.
 9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.
 10. The sign may be up to 3 feet by 3 feet in size, and the design will be similar to that allowed by Wasco County for similar purposes.

13.030.020 Temporary Signs

- A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.
- B. Signboards. Signboards may be used under the following conditions:
1. A permit is required.

2. The signboards are limited to the premises of the business location.
 3. The signboards must be on private property.
 4. The Size, Number, Hours of Display, Attachments, Maintenance, Fees, and Enforcement are as provided for in the relevant provisions of Section 13.050.160.
- C. Commercial and Promotional signs may be used only on private property and subject to the following:
1. A permit is required for all temporary signs.
 2. Temporary signs may be erected for a period not to exceed 30 days.
 3. Temporary signs are limited to 32 square feet in area.
 4. Temporary signs are limited to one per street frontage.

13.030.030 Prohibited Signs

No sign shall be erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
- B. Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 13.050.060.
- C. The Director determines to be creating confusion with or interfering with the effectiveness of traffic signs or signals.
- D. 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. Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.
- F. Is located in an area of the City zoned residential, except for those signs designated in Sections 13.030.010, 13.040.010 and 13.040.040.
- G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.

H. Is otherwise in violation of any provision of this ordinance.

Section 13.040**SIGNS PERMITTED BY ZONE, DISTRICT, USE**

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13.040.010 Signs in Residential Zones

These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

- A. One four (4) square foot flush sign for homes with approved home occupation permits.
- B. Community Facility signs permitted by Section 13.040.040.
- C. Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

<u>Number of dwelling units</u>	<u>Sign area</u>
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

13.040.020 Signs in Neighborhood Commercial Zones

These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

- A. Flush signs only, equal to twenty-five percent of the building front.
- B. A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

13.040.030 Signs in Recreational Commercial Zones

These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

- A. The same signs as allowed in the Neighborhood Commercial Zone, Section 13.040.020; and
- B. A free-standing principal sign for non-advertising community use, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

13.040.040 Signs in Community Facilities Overlay Zones

These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows.

One flush or free-standing sign not to exceed 48 square feet in area. The top of a free-standing sign shall not exceed 8 feet above grade.

13.040.050 Signs in Central Business Zones

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

- A. One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 13.050.030.
- B. A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.060 Signs in General Commercial Zones

These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.070 Signs in Light and Heavy Industrial and Manufacturing Zones

These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.080 Signs in the Highway District

This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this section the Highway District is described as follows:

All land within 100 feet of each right of way line of U.S. Highway I-84N from the West Urban Growth Boundary (UGB) to the East UGB, and Oregon State Highway No. 292 (West Second Street) from its intersection with Webber Street, westerly to the UGB.

The following signs are allowed in the Highway District.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.
- B. A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

13.040.090 Signs for Shopping Centers in Appropriate Zones

Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs:

Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

Section 13.050**REGULATIONS BY SIGN TYPE**

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13.050.010 Principal Sign

A principal sign is limited to a combination, free-standing, flush, or projecting sign.

13.050.020 Secondary Sign

A secondary sign is a free-standing sign on the premises where the building is setback from the front property line.

13.050.030 Free-Standing and Projecting Signs

Such signs shall be located in conformity to the Zoning Ordinance of the City of The Dalles.

- A. A free-standing sign shall not exceed a maximum height of forty feet above the street grade.
- B. Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.
- C. Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.
- D. Unless approved by the Director for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
- E. To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

13.050.040 Flush Signs

Flush signs shall comply with the following standards and specifications:

A. Maximum Area

1. Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 13.040.010 (3).
2. Shopping Centers. Twenty-five percent of building front maximum.
3. Neighborhood Commercial Zones. Twenty-five percent of building front maximum.
4. Central Business Zones. Fifty percent of building front maximum.
5. General Commercial and Industrial Zones. Fifty percent of building front maximum.
6. Highway District. Fifty percent of building front maximum.
7. Recreational Commercial Zone. Twenty-five percent of building front maximum.
8. Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

1. The total sign area of all exterior walls shall not exceed the maximum allowed under Section 13.050.040 (A).
2. Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from, except that:
 - a. A flush sign may be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.
 - b. A flush sign may be attached to the surface of an awning without further projection there from.

13.050.050 Message Signs

Message signs are limited to stationary time, date, temperature signs, or rotating signs with a maximum speed of seven revolutions per minute.

13.050.060 Roof Signs

Roof signs are permitted only on low profile buildings and the top of roof signs shall not extend more than twelve (12) feet from sidewalk grade.

13.050.070 Secondary Marquee Signs

Secondary marquee signs shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of 7 1/2 feet clearance.

13.050.080 Home Occupation Signs

Home occupation signs are permitted in the residential district, not to exceed four square feet in area and flush mounted.

13.050.090 Service Station Island Signs

Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

13.050.100 Restaurant Menu Board

Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed a total of 64 square feet, with a maximum height of 8 feet.

13.050.110 On-Premise Signs

All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 13.050.150.

13.050.120 Secondary Street Frontage Signs

Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 13.050.040.

13.050.130 Electric Signs

Electric signs shall bear the Underwriters Laboratories, Inc. seal of approval. All electrical signs shall be installed in accordance with the National Electric Safety Code as regards distances from electrical line. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations.

13.050.140 Animated Signs

Except for message signs of the type giving time and temperature information, or signs rotating at a speed not to exceed 7 rpm's, no sign which has any mechanical moving, revolving, rotating, or animated parts are allowed.

13.050.150 Off-Premise Advertising Signs

Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by the City Zoning Ordinance.

- A. The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.
- B. Outdoor advertising signs shall have metal primary structural members.
- C. Size
 - 1. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.
 - 2. City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to

which the sign is oriented. Sign area shall not exceed 288 square feet, with maximum dimensions of 12 feet vertical and 24 feet horizontal.

13.050.160 Sidewalk Signboards

Sidewalk signboards are allowed for any business in the Central Business Commercial zone, whenever there is a minimum of six feet (6') of clear, concrete sidewalk passage, excluding pavers.

A. Size

Sidewalk signboards shall not exceed the following dimensions (see diagram):

- a) Width = twenty-five inches (25");
- b) Height = forty-five inches (45");
- c) Base spread = twenty-six inches (26").

B. Number

One (1) sidewalk signboard per business is allowed. More than one (1) business can be listed on a sidewalk signboard.

C. Placement

1. Sidewalk signboards shall be located adjacent to the property occupied by the business; no offsite sidewalk signboards are allowed.
2. Sidewalk signboards shall not be placed closer than three feet (3') from the entrance to the business or storefront, measured from the nearest door edge to the near edge of the sign (see diagram).
3. Sidewalk signboards shall not be placed closer than three feet (3') from the edge of the property line, measured from the nearest property corner to the near edge of the sign (see diagram).
4. Sidewalk signboards shall be placed at least six feet (6') apart, measured from the near edge of one sign to the near edge of the other sign.
5. Sidewalk signboards shall not be placed in front of murals, except where the bottom of the mural is above the top of the sidewalk sign.
6. Sidewalk signboards shall not be allowed in alleys.

D. Hours of Display

Sidewalk signboards shall only be displayed during business hours. The signs shall be moved indoors when the business is closed. In the case where multiple businesses are displayed on a single sidewalk signboard, only one (1) of the businesses needs to be open for the sidewalk signboard to be displayed.

E. Attachments

No extraneous fixed or moving attachments shall be placed on any sidewalk signboard.

F. Materials

1. The following materials are acceptable for use in the construction of sidewalk signboards:
 - a) Medium-density overlay (MDO) plywood or material of similar quality;
 - b) Lusterboard or material of similar quality;
 - c) Marlite or material of similar quality;
 - d) Exterior-grade plywood with a veneer grade of not less than A;
 - e) Whiteboards, blackboards, and grease-pen boards.
2. Exposure 1 and Interior grade plywood shall not be allowed. Veneer grades B, C-Plugged, C or D shall not be allowed.
3. No sandbags, concrete blocks, scrap metal, or other similar materials shall be used to stabilize any sidewalk signboard.
4. Staples, zip ties, thumbtacks, and other similar materials shall not be allowed in the assembly of the sidewalk signboard, nor to affix materials to said sign.

G. Design

1. Signboards shall not be lighted in any manner, other than incidentally by other lighting.
2. No neon or fluorescent colors shall be allowed.
3. Sidewalk signboards shall be secured against the wind, in order to keep the

signs from falling over and to keep applied materials from blowing away.

4. Any and all lettering and/or other display information shall be applied in a professional manner, that is, be of a quality that would be provided if the sidewalk signboard was created by a professional sign-making company.
5. For base & frame-type signs, the height of the base pad cannot exceed one-quarter inch (1/4") for the first ten inches (10") from either leading edge (see diagram).
6. Sidewalk signboards in The Dalles Commercial Historic District and Trevitt's Addition shall adhere to design standards set forth in the document entitled "Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition".

H. Maintenance

Signs must be kept in a state of good repair and condition, and free from the following conditions:

- a) Rust;
- b) Chipped or peeling paint;
- c) Delaminating or peeling materials;
- d) Scratched materials;
- e) Faded, smudged, smeared, or streaked images or lettering;
- f) Missing hardware;
- g) Poor craftsmanship or construction that would cause the sign to be structurally unsound and thereby pose a health or safety hazard;
- h) Any other condition that the Director of the Community Development Department deems to be contrary to the purposes of promoting visually-appealing and structurally-sound signage.

I. Fees

There is a one-time fee for a sidewalk signboard permit. The fee and permit are not transferable to other sidewalk signboards.

J. Enforcement

The following notice and enforcement standards shall apply to the placement and display of sidewalk signboards.

1. For purposes of administering the provisions of section 13.050.160(10), the City Manager shall appoint appropriate staff persons.
2. An unsafe sidewalk signboard shall be defined as a sidewalk signboard that violates any of the following provisions
 - a) Any size standard set forth in section 13.050.160 (A);
 - b) Any placement standard set forth in section 13.050.160 (C) (1) through (6);
 - c) The design standards set forth in section 13.050.160 (G) (3) or (5);
or
 - d) Any maintenance standard set forth in section 13.050.160 (H) (a) through (h), such that the condition of the sign poses a danger to the health or safety of the public.
3. In the case of a sidewalk signboard which has been determined to be unsafe, the authorized staff person shall immediately attempt to give verbal notice of the violation to the owner or owners of the business(es) that the sidewalk signboard advertises, or to an on-site employee of the business(es). In the event the responsible person(s) who is provided notice under this section refuses to correct the violation immediately, the authorized staff person shall remove or cause others to remove and impound the sign.
4. In the case of a sidewalk signboard which is displayed during non-business hours, the authorized staff person shall issue a written notice of the violation. The notice shall be given to the owner or owners of the business(es) that the sidewalk signboard advertises, and shall be either delivered personally or by certified mail, return receipt requested, sent to the owner's last known address of record. The notice shall require correction of the violation within five (5) days from either the date of personal delivery of the notice, or the date of mailing of the notice.
 - a) If the violation is not corrected within the five (5) day period, the authorized staff person shall send a second written notice of violation, by certified mail, return receipt requested, to the owner or owners of the business(es) that the sidewalk signboard advertises, indicating that the sidewalk signboard may be

impounded if the violation is not corrected within five (5) days from the date of mailing of the notice.

- b) If the violation remains after issuance of the second notice, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
5. For other sidewalk signboards which have been determined not to conform to the provisions of this section, the authorized staff person shall issue a written notice of non-compliance. The notice shall be given to the owner or owners of the business(es) which the sidewalk signboard advertises. The notice shall either be delivered personally to the business owner(s), or sent by certified mail, return receipt requested, to the business owner(s) at the owner's last known address of record. The notice shall set forth the nature of the violation, and shall require the violation be corrected within fifteen (15) days from either the date of personal delivery or the date of mailing of the notice, unless the time for compliance is extended for good cause shown. If the non-conforming sign is not brought into compliance within the required time period, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
6. Upon impoundment of a sidewalk signboard under the provisions of subsections (3), (4), or (5) of this section, the authorized staff person shall post a notice of impoundment in a visible location upon the premises of the business which the sign advertises. The authorized staff person shall immediately provide a copy of the impoundment notice to the business owner(s) by either personal delivery or by certified mail, return receipt requested, sent to the owner's last known address of record.
- a) The notice of impoundment shall specify the sections of the section which have been violated, the place and time when the impounded sign can be recovered, the cost of any fee which must be paid to recover the sign, and the length of time until the impounded sign is discarded if the sign is not reclaimed.
 - b) The notice shall also provide the owner(s) of the sign which has been impounded with notice that they may request a hearing to contest the validity of the impoundment. A request for a hearing must be made, to the Director of the Community Development Department, within five (5) calendar days after either the date of personal delivery of the impoundment notice, or the date that notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. When a timely request for a hearing is made, a hearing shall be set in the Municipal Court for four (4) calendar days after the request is

received, excluding Saturdays, Sundays, and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Court Judge shall determine whether impoundment of the sidewalk signboard was proper.

7. In order to retrieve an impounded sidewalk signboard, the owner of the sidewalk signboard shall present a copy of the impound notice to the Community Development Department, at the time and place indicated on the notice of impoundment.
 - a) The fee to retrieve an impounded sidewalk signboard for a first violation of this section shall be ten dollars (\$10.00). The fee to retrieve an impounded sidewalk signboard for a second violation of this section shall be fifty dollars (\$50.00). The fee to retrieve an impounded sidewalk signboard for a third violation of this section shall be one hundred dollars (\$100.00). For each subsequent violation of this section, the fee to retrieve an impounded sidewalk signboard shall be one hundred dollars (\$100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the business owner(s) of the sidewalk signboard, who has violated the provisions of this section.
 - b) Any sidewalk signboard which has been impounded and is not reclaimed within ninety (90) days from the date of impoundment, may be disposed of by the authorized staff person.

13.050.170 Sandwich Boards and A Frames

1. No more than one “sandwich board” or “A Frame” of a maximum of 5 feet above ground level shall be allowed for each premise.
2. Signs shall be located only on private property.
3. This sign allowance is for areas zoned Commercial or Industrial and outside the Central Business Commercial zone. See *Section 13.050.160* for Sidewalk Signboards allowed in the Central Business Commercial zone.
4. The permit fee for sandwich boards and A Frames shall be the same as for Sidewalk Signboards.

Section 13.060**MAINTENANCE, CONSTRUCTION AND SAFEGUARDS**

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13.060.010 Maintenance and Appearance

All signs shall be maintained in a safe, neat, clean, and attractive condition.

- A. Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- B. On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.
- C. Except for temporary signs, all signs shall be rigid and firmly attached to its supporting structure.

13.060.020 Design and Construction

Except as specified in this section, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon.

13.060.030 Clearance and Safeguard

To insure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

- A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.
- B. All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
- C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

Section 13.070**INSPECTION, ENFORCEMENT, AND VARIANCES**

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13.070.010 Non-conforming Signs

Signs and advertising structures which do not conform to the provisions of this section but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this section.

- A. A non-conforming sign which has been determined by the Director to be improperly maintained shall be removed within 30 days after notice as provided in Section 13.070.020.
- B. Non-conforming signs which violate the provisions of Section 13.030.020, Prohibited Signs, shall be removed within 30 days after notice.
- C. Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this section.
- D. Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this section or shall be removed within 30 days after notice.

13.070.020 Removal of Non-conforming Signs

The Director shall give written notice of a non-conforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of the section and the time allowed for compliance.

13.070.030 Signs for Non-conforming Uses

A use which has been determined to be non-conforming pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the Director.

13.070.040 Administration

- A. Inspection. The Director under the supervision and control of the City Manager is hereby authorized and directed to enforce this section. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or

premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this section. The Director may inspect or re-inspect any sign to determine if it complies with this ordinance.

- B. Removal of unsafe signs. Upon documentation that despite reasonable attempts to provide notice as set forth herein, that notice could not be delivered to the sign owner or the owner of the building, structure or premises upon which the sign is located, or that notification was received and the notified person(s) has or have refused to comply with the ordinance in the time specified by the Director, the Director may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard. The owner shall reimburse the city for any costs incurred in the removal of the sign or when making the minimum necessary repairs when removing the danger or hazard.
- C. Removal of signs in public right-of-way or on City-owned real property. Any sign installed on or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of Chapter 13, may be removed and immediately confiscated without prior notice to the owner of the sign.
1. For purposes of administering the provisions of this Section, the City Manager shall appoint appropriate staff persons.
 2. The City shall store any sign confiscated by the authorized staff person for a period of thirty (30) days from the time the person responsible for the sign is notified as provided in subsection 3. The City shall continue to store such sign for any additional period during which an appeal is pending before the Municipal Court, or any appeal is filed concerning a decision of the Municipal Court.
 3. If a telephone number or address of the owner of the sign, the person responsible for the sign, or the person or business that is the subject of the communication, is visible on the sign or the text of the sign, the City shall contact said person or business by telephone or by mail (based on the manner of contact stated on the sign), and advise that the City believes the following:
 - a. The sign was found in a location which the City believes to be public right-of-way or City-owned real property; and
 - b. That no permit was issued for placement of the sign in said location, and that the sign is not otherwise lawfully permitted to be in said location.
 4. The communication shall advise said person or business that the City has confiscated the sign and shall destroy the sign after thirty (30) days from the time the person responsible for the sign is notified, unless either the sign is claimed and the fee to retrieve the impounded sign is paid in full, or a request for a hearing has been made to the Director of the Community Development Department. Such a request for a hearing must be made within five (5) calendar days of the date of communication by telephone,

- or the date that notice of impoundment was mailed as evidenced by the postmark, not including Saturdays, Sundays, or holidays.
5. If no telephone number or mailing address is stated for the owner of the sign on the sign itself, the City shall retain the sign for a period of fifteen (15) days to permit the sign owner to ascertain that the sign has been removed and to file a request for a hearing, or arrange for payment of the fee to retrieve the impounded sign. If a sign has not been reclaimed within the fifteen (15) day period established in this section, the sign may be disposed of by an authorized person.
 6. When a timely request for a hearing is made, the hearing shall be set in the Municipal Court for four (4) calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Judge shall determine whether the impoundment of the sign was improper.
 - a. A prima facie violation of this section shall be met if it is shown that the sign was located in a public right-of-way or on City-owned real property, and that the sign owner was not a public entity authorized to install and maintain public signs within the public right-of-way. The sign owner may rebut the prima facie showing of a violation by showing the sign was lawfully permitted within the public right-of-way or upon City-owned real property, or that the law does not require the sign owner to obtain a permit under Chapter 13 to place a sign within the public right-of-way or upon City-owned real property.
 - b. If the Municipal Judge determines that the sign was not lawfully placed upon the public right-of-way or on City-owned real property, then, following any applicable appeal or review period, unless the sign has been retrieved from impoundment by payment of the applicable fee set forth in Section 7, the sign shall be destroyed in such manner as the Municipal Judge deems appropriate.
 7. In order to retrieve an impounded sign, the owner of the sign shall pay the applicable fee to retrieve the sign from impoundment.
 - a. The fee to retrieve an impounded sign for a first violation of this section shall be Ten Dollars (\$10.00). The fee to retrieve an impounded sign for a second violation of this section shall be Fifty Dollars (\$50.00). The fee to retrieve an impounded sign for a third violation of this section shall be One Hundred Dollars (\$100.00). For each subsequent violation of this section, the fee to retrieve an impounded sign shall be One Hundred Dollars (\$100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the owner(s) of the sign, who has violated the provisions of this section.
 - b. Any sign which has been impounded and is not reclaimed within thirty (30) days from the date of notification of impoundment as provided for in Section 13.070.040(C)(3) may be disposed of by the authorized person.

- D. Release from liability. Neither the Director nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this section.

13.070.050 Enforcement

- A. Violation. It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.
- B. Persons Responsible. Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.
- C. Notice. It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:
1. For the first offense at least seven calendar days.
 2. For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.
- D. Penalties.
1. For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.
 2. For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.
 3. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.
- E. Citation.

1. For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.
2. The fine for violations of this section shall be \$50 for the first offense, \$100 for the second offense within a year, and \$250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

13.070.060 Variances and Appeals

- A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.
- B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.
- C. Except in the case of unsafe signs, no action shall be taken by the Director under this section pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Planning Commission. Upon appeal, the Commission may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction
- E. In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this ordinance.

Section 13.080**SPECIAL PROVISIONS**

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13.080.010 Districts of Special Control

The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

- A. the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. a group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan.
- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this section, including but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

13.080.020 Severability

If any part, section, sub-section, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

13.080.030 Repeal

General Ordinance No. 92-1153, as amended by the General Ordinance No. 03-1248, is hereby repealed.

Section 13.090

Exhibits

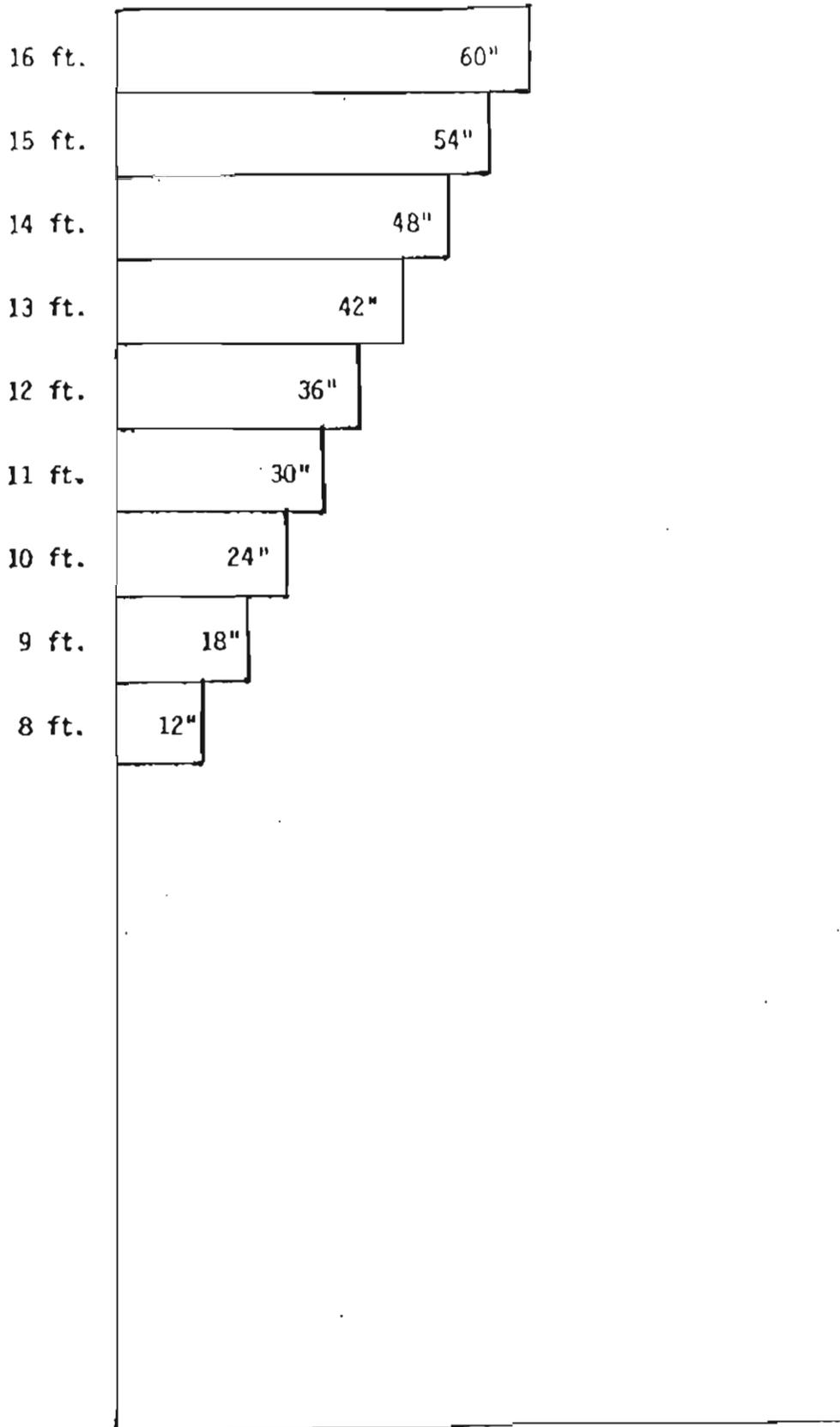
Clearances for Projecting Signs

Sidewalk Signboards – Exhibit #1

Sidewalk Signboards – Exhibit #2

Sidewalk Signboards – Exhibit #3

CLEARANCES FOR PROJECTING SIGNS



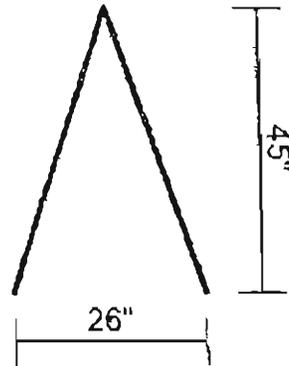
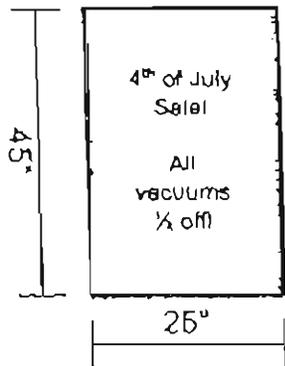
SIDEWALK SIGNBOARDS

Exhibit #1

Sign Dimensions: A-Frame

Front View

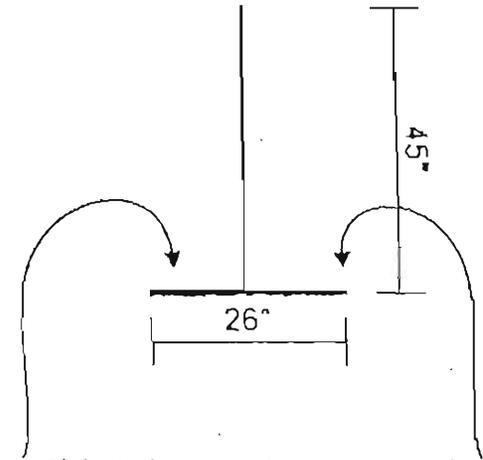
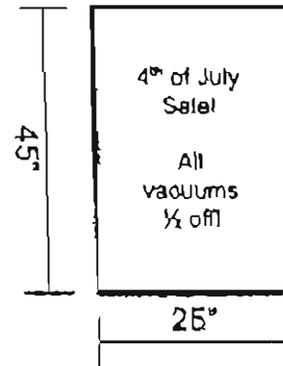
Side View



Sign Dimensions: Base & Frame

Front View

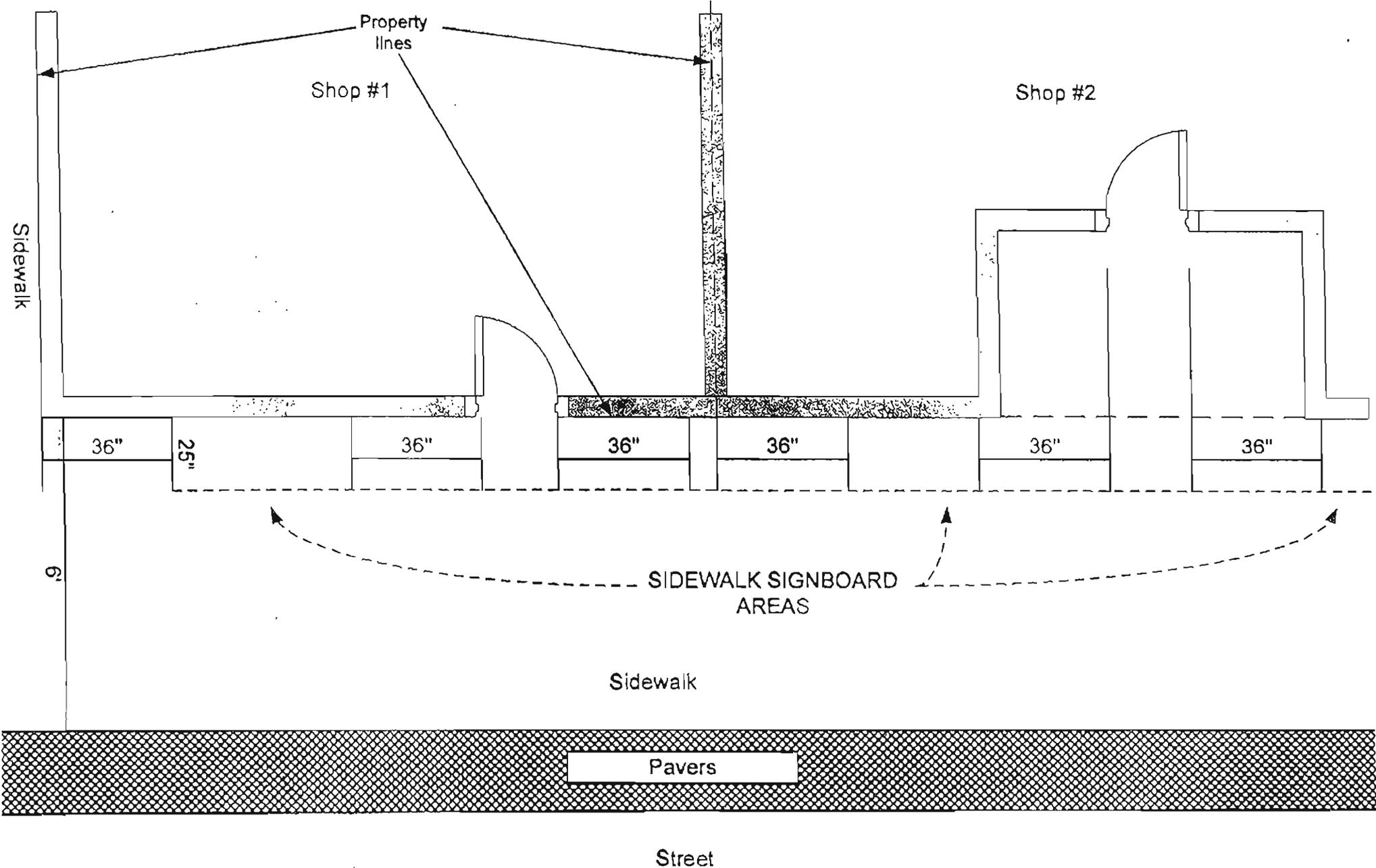
Side View



Height of base pad cannot exceed 1/4" for first 10" from leading edge

SIDEWALK SIGNBOARDS

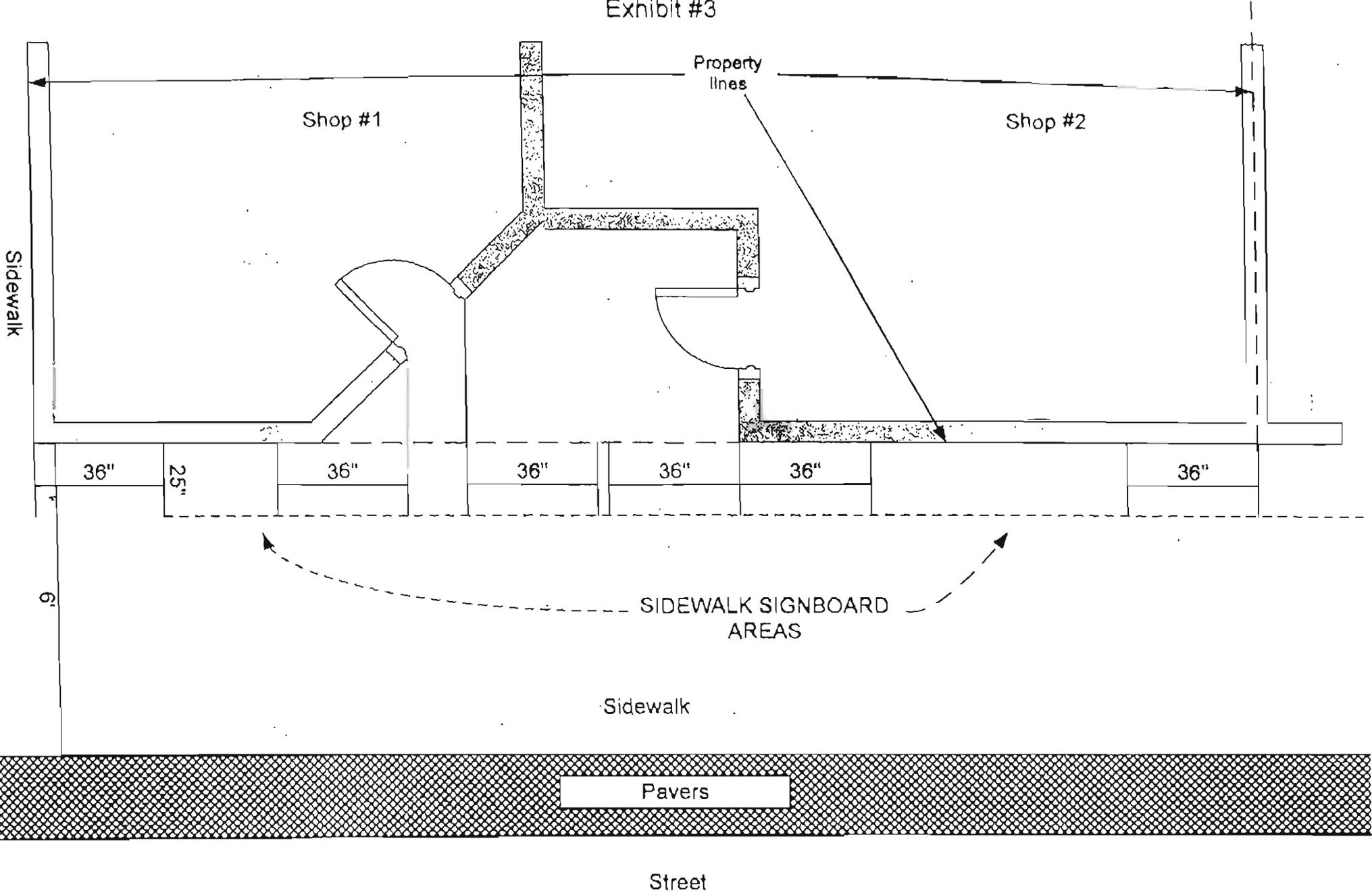
Exhibit #2



NOT TO SCALE

SIDEWALK SIGNBOARDS

Exhibit #3



Chapter 14**ANNEXATION**

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Section 14.010**ANNEXATION PROCESS**

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14.010.010 Purpose

The purpose of this section is to set out policy and procedures for annexation of property into the City of The Dalles.

14.010.020 General

It is the policy of the City of The Dalles to promote the orderly and efficient extension of the existing City limits out to the urban growth boundary. Accordingly the City shall annex property where:

- A. The proposed annexation represents an extension of the existing City boundary within the urban growth area;
- B. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs, as determined by the City.

14.010.030 Review Procedures

- A. Applications. All applications shall meet the requirements of Section 3.010: Application Procedures. Applications will be on a form supplied by the City. An annexation may be proposed by the City of The Dalles, landowners, or residents of the City. The approving authority may require additional information where necessary to adequately review the proposal.
- B. Review. All applications for Annexation shall be processed as legislative actions, per the provisions of 3.020.060 Legislative Actions. Annexation requests shall be heard by the City Council. The Council may refer the application to the Planning Commission for a recommendation.
- C. Notice of Hearing. At least 10 days before a scheduled annexation hearing, notice of the hearing shall be mailed to the owner, as shown on the most recent property tax assessment roll, of each property proposed to be annexed.

14.010.040 Review Criteria

Annexations shall be subject to the following criteria.

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.
- B. The territory is within the Urban Growth Area.
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.
- E. The annexation conforms to the Comprehensive Plan.

14.010.050 Staff Report

A staff report shall be presented which identifies the criteria applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial. The staff report shall be available to the public at least seven days prior to the hearing.

14.010.060 Fees

Fees for filing for annexation applications shall be set by Council resolution.

Section 14.020

CONSENT TO ANNEXATION

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14.020.010 Annexation required for Service provided outside the City Limits.

- A. Prior to any connection to the City water system, sanitary sewer system, or storm water system for property located outside the City limits, a consent to annexation shall be provided to the City and recorded in the deed records of Wasco County, for all premises which may be served by a connection.
- B. If connection to the City water system, sanitary sewer system or storm water system was initially made without providing a legal consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises that increases the use of the City water system, sanitary sewer system, or storm water system.
- C. In lieu of a consent to annexation, the City may require annexation as a condition of connection to the City water system, sanitary sewer system, or storm water system for premises contiguous to the City limits, or separated from the City only by a public right of way, stream, or other body of water. Annexation may be conditioned upon such conditions of approval as the City considers necessary.
- D. If property that is outside the City limits and connected to the City water system, sanitary sewer system, or storm water system changes ownership, the new owner shall execute a consent to annexation within 30 days of acquiring ownership.
- E. The consent to annexation shall be on forms provided by the City. The owner of the property shall cause the consent to annexation to be recorded in the deed records of Wasco County and a copy provided to the City. The owner shall be responsible for paying the recording fees.

Chapter 15**ENFORCEMENT**

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15.010 Responsible Officers

The Land Use and Development Ordinance shall be administered and enforced by the Director.

15.020 Building Permit

No building permit shall be issued for any authorized development unless the Director has determined that the proposed development complies with the provisions of this Ordinance.

15.030 Duties of Officers

All departments, officials, and employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance, and shall issue no permit for uses, buildings, or any purpose in conflict with the provisions of this Ordinance. Any permit so issued shall be null and void.

15.040 Interpretation

The provisions of this Ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other City ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

15.050 Stop Work Order

Whenever any work is being done contrary to the provisions of this Ordinance, or contrary to the provisions of an approved site plan or any permit issued under this ordinance, the Director may order the work stopped by notice in writing served on any person or persons engaged in the work, and any such person or persons shall immediately stop such work until authorized by the Director to proceed.

15.055 Stop Use Order

Whenever any land or structure is being used contrary to the provisions of this Ordinance, or contrary to the provisions of an application approved under this

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ordinance, the Director may order the use stopped by notice in writing served on the property owner or an any person or persons engaged in the use of the property. After service the use shall immediately be stopped until the use is authorized by the Director. Both the property owner and the user of the property are subject to the provisions of such notice.

15.060 Violations

Use of land in the City of The Dalles not in accordance with the provisions of this Ordinance constitutes a violation. Upon receiving information concerning a violation of this Ordinance, the Director may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable Ordinance sections, and other information staff may have.

15.070 Notice of Violation

After receiving a report of an alleged violation from the Director, the City Attorney shall, if he or she determines that probable cause exists, promptly give notice of the alleged violation by certified first class mail, return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. The notice shall indicate the following:

- A. The location and nature of the violation.
- B. The provision or provisions of this Ordinance which allegedly have been violated.
- C. Whether immediate enforcement will be sought or if 10 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property. Immediate enforcement is allowed when the person responsible for the violation committed a violation of the same code provision within the prior two years.
- D. The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after

mailing if the address to which it was mailed is outside the State.
However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of this Ordinance.

15.080 City Attorney to Pursue Enforcement

As soon as the compliance deadline has expired, the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

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

15.090 Penalties

A violation of this Ordinance may be the subject of criminal, civil, or other sanctions authorized under a City ordinance. Parties subject to the provisions of this code include both the property owner and the person causing the violation.

- A. Criminal Penalties. Unless otherwise specified, every violation of the terms of this ordinance is a violation, punishable by a fine of up to \$500.00. Each day such violation continues shall be considered a separate offense.
- B. Civil Penalties and Remedies. In addition to, or in lieu of, criminal actions, a violation of this Ordinance or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

Index including 2015 Revisions to the LUDO.

EDITOR'S NOTE: The **bold print** indicates a section that discusses the topic in detail. The section references without additional description indicate the topic is mentioned, but not necessarily discussed in depth. This index has not been officially adopted and is provided solely for the convenience of the user.

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