Title 10 LAND USAGE

Chapters:

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DIVISION I. BUILDINGS AND CONSTRUCTION

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Chapter 10.04 BUILDING ADMINISTRATIVE CODE

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Article 1. Title, Scope and General Provisions

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10.04.010 Title, purpose and scope.

A. Title. These regulations shall be known as the "building administrative code," may be cited as such and will be referred to in this chapter as "this code."

B. Purpose. The purpose of this code is to provide for the administration and enforcement of the Oregon Specialty Codes.

C. Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the Specialty Codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.

Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern.

(Ord. 1996-523-E § 101)

10.04.020 Application to existing buildings and building service equipment.

A. General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the Specialty Codes for new facilities, except as specifically provided in this section.

B. Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the Specialty Codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the Specialty Codes nor all such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

EXCEPTION: Alterations of existing structural elements, or additions of new structural elements, which are not required by subsection C of this section and which are initiated for the purpose of increasing the lateral-force-resisting structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations; and
5. An unsafe condition as defined above is not created.

Alterations or repairs to an exiting building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the Specialty Codes in effect at the time the original installation was made, subject to approval of the Building Official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, insanitary or overloaded.

C. Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the Specialty Codes may have their use, maintenance or repair continued if the use maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

D. Existing Occupancy. Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety.

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 10.04.190 of this code and Section 109 of the Building Code.

E. Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Specialty Codes shall be maintained in conformance with the Specialty Codes under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this subsection, the building official may cause a structure to be reinspected.

F. Moved Buildings. Buildings, structures and building service equipment moved into or within this jurisdiction shall comply with the provisions of the Specialty Codes for new buildings or structures and their building service equipment.

G. Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

H. Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the Specialty Codes when authorized by the Building Official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance;

2. Unsafe conditions as described in this code are corrected;

3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

(Ord. 1996-523-E § 102)

10.04.030 Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English

Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Addition" is an extension or increase in floor area or height of a building or structure.

"Alter" or "alteration" is a change or modification in construction or building service equipment.

"Approved," as to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

"Approved agency" is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the Building Official.

"Building" is a structure used or intended for supporting or sheltering a use or occupancy.

"Building Code" is the Oregon Structural Specialty Code.

Building, Existing. "Existing building" is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

"Building Official" is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.

"Building service equipment" refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

"Dangerous Buildings Code" is the uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

"Dwelling Code" is the Oregon One and Two Family Dwelling Specialty Code.

"Electrical Code" is the Oregon Electrical Specialty Code.

"Elevator Code" is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.

"Jurisdiction," as used in this code, is the city of which adopts this code for administrative regulations within its area of authority.

"Listed" and "listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

"Manufactured Home Installation Code" is the Oregon Manufactured Home Installation Specialty Code.

"Manufactured Home Park Code" is the Oregon Manufactured Home Park Construction Specialty Code.

"Mechanical Code" is the Oregon Mechanical Specialty Code.

"Occupancy" is the purpose for which a building, or part thereof, is used or intended to be used.

"Owner" is any person, agent, firm or corporation having a legal or equitable interest in the property.

"Permit" is an official document or certificate issued by the Building Official authorizing performance of a specified activity.

"Person" is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

"Plumbing Code" is the Oregon Plumbing Specialty Code.

"Recreational Vehicle Park Code" is the Oregon Recreational Vehicle Park Construction Specialty Code.

"Repair" is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

"Shall," as used in this code, is mandatory.

"Specialty Codes" refer to those Specialty Codes adopted by the state of Oregon which constitute the Oregon Building Code which have been delegated to this jurisdiction for enforcement containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

"Structural observation" means the visual observation of the structural system, including but not limited to, the elements and connections at significant construction stages, and the completed structure for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Sections 10.04.160 and 10.04.170.

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

"UBC Standards" are those standards published in Volume 3 of the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

"Valuation" or "value," as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

(Ord. 1996-523-E § 103)

10.04.040 Conflict of provisions.

When conflicting provisions or requirements occur between this code, the Specialty Codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the Specialty Codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the Specialty Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. 1996-523-E § 104)

10.04.050 Alternate materials, methods of design and methods of construction.

The provisions of the Specialty Codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the Specialty Codes, provided an alternate has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the Specialty Codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Specialty Codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Code Enforcement Agency.

(Ord. 1996-523-E § 105)

10.04.060 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the Specialty Codes, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of the Specialty Codes impractical and the modification is in conformity with the intent and purpose of the Specialty Codes, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the Code Enforcement Agency.

(Ord. 1996-523-E § 106)

10.04.070 Tests.

Whenever there is insufficient evidence of compliance with the provisions of the Specialty Codes or evidence that materials or construction do not conform to the requirements of the Specialty Codes, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the Specialty Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such test shall be retained by the Building Official for the period required for the retention of public records.

(Ord. 1996-523-E § 107)

Article 2. Organization and Enforcement

10.04.080 Authority.

10.04.090 Powers and duties of Building Official.

10.04.095 Unsafe buildings, structures or building service equipment.

10.04.100 Board of Appeals.

10.04.110 Violations—Penalties.

10.04.080 Authority.

A. Creation of Enforcement Agency. There is established in this jurisdiction a Code Enforcement Agency which shall be under the administrative and operational control of the Building Official.

B. General. Whenever the term or title "administrative authority," "responsible official," "Building Official," "Chief Inspector," "Code Enforcement Officer," or other similar designation is used herein or in any of the Specialty Codes, it shall be construed to mean the Building Official designated by the appointing authority of this jurisdiction.

(Ord. 1996-523-E § 201)

10.04.090 Powers and duties of Building Official.

A. General. The Building Official is authorized and directed to enforce all the provisions of this code and the referenced Specialty Codes. For such purposes, the Building Official shall have the powers of a law enforcement officer.

B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

C. Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the Specialty Codes, or when the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code; provided, that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. Stop Orders. When work is being done contrary to the provisions of this code, the Specialty Codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

E. Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the Specialty Codes is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

F. Authority to Disconnect utilities. The Building Official or the Building Official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the Specialty Codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

G. Authority to Condemn Building Service Equipment. When the Building Official ascertains that building service equipment regulated in the Specialty Codes has become hazardous to life, healthy or property, or has become insanitary, the Building Official shall order in writing that such notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the Specialty Codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

H. Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

I. Liability. The Building Official charged with the enforcement of this code and the Specialty Codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of the provisions of this code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

J. Cooperation of Other Official and Officers. The Building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances.

(Ord. 1996-523-E § 202)

10.04.095 Unsafe buildings, structures or building service equipment.

Buildings or structures regulated by this code and the Specialty Codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an insanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

(Ord. 1996-523-E § 203)

10.04.100 Board of Appeals.

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of the Specialty Codes, there is created a Board of Appeals consisting of the members of the City Council of this jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to the Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the Board be empowered to waive requirements of either this code or the Specialty Codes.

(Ord. 1996-523-E § 204)

10.04.110 Violations—Penalties.

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code and the Specialty Codes. The penalty for any such violations shall be in an amount of not more than one thousand dollars ($1,000.00) for each offense or, in the case of a continuing offense, not more than one thousand dollars ($1,000.00) for each day of the offense.

(Ord. 1996-523-E § 25)

Article 3. Permits and Inspections

10.04.120 Permits.

10.04.130 Application for permit.

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10.04.170 Special inspections.

10.04.180 Structural observation.

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10.04.200 Certificate of occupancy.

10.04.120 Permits.

A. Permits Required. Except as specified in subsection B of this section, no building, structure or building service equipment regulated by this code and the Specialty Codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

B. Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the Specialty Codes or any other laws or ordinances of this jurisdiction.

1. Building Permits. A building permit shall not be required for the following:

   a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet (11.15m^2);

   b. Fences not over six feet (one thousand eight hundred twenty-nine (1,829) mm) high;

   c. Oil derricks;

   d. Movable cases, counters and partitions not over five feet nine inches (one thousand seven hundred fifty-three (1,753) mm) high;

   e. Retaining walls which are not over four feet (one thousand two hundred nineteen (1,219) mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;

   f. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L) and the ratio of height to diameter or width does not exceed two to one;

   g. Platforms, walks and driveways not more than thirty (30) inches (seven hundred sixty-two (762) mm) above grade and not over any basement or story below;

   h. Painting; papering and similar finish work;

   i. Temporary motion picture, television and theater stage sets and scenery;

   j. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four (54) inches (one thousand three hundred seventy-two (1,372) mm);

   k. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L);

   l. Agricultural buildings. Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Plumbing Permits. A plumbing permit shall not be required for the following:

   a. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code;

   b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. Electrical Permits. An electrical permit shall not be required for the following:

   a. To replace light bulbs, fluorescent tubes, or approved fuses, or to connect approved portable electrical equipment to permanently installed and properly wired receptacles;

   b. For experimental electrical work or testing of electrical products in testing laboratories of electric shops, educational institutions, industrial plants, or recognized testing laboratories;

   c. For those minor electrical installations for which the Board has authorized an installation label.

4. Mechanical Permits. A mechanical permit shall not be required for the following:
   a. A portable heating appliance;
   b. Portable ventilating equipment;
   c. A portable cooling unit;
   d. A portable evaporative cooler;
   e. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code;
   f. Replacement of a component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the Specialty Codes;
   g. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirement of the Specialty Codes;
   h. A unit refrigerating system as defined in the Mechanical Code.

(Ord. 1996-523-E § 301)

10.04.130 Application for permit.

A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Code Enforcement Agency for that purpose. Every such application shall:
   1. Identify and describe the work to be covered by the permit for which application is made;
   2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
   3. Indicate the use or occupancy for which the proposed work is intended;
   4. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection B of this section;
   5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;
   6. Be signed by the applicant, or the applicant's authorized agent;
   7. Give such other data and information as may be required by the Building Official.

B. Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

   Exception: The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stores in height of other than Group R, Division 3 and Group M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

D. Architect or Engineer of Record.

1. General. When it is required that documents be prepared by an architect or engineer, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

   The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

2. Deferred Submittals. For the purposes of this section, "deferred submittals" are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

   Deferral of any submittal items shall have prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official.

   Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been approved by the Building Official.

E. Inspection and Observation Program. when special inspection is required by Section 10.04.170, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 10.04.180, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

(Ord. 1996-523-E § 302)

10.04.140 Permit issuance.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the Specialty Codes and other pertinent laws and ordinances, and that the fees specified in Section 10.04.150 have been paid, the Building Official shall issue a permit therefore to the applicant.

When a permit is issued when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Specialty Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than ninety (90) days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all items during which the work authorized thereby is in progress.

C. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the Specialty Codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

D. Expiration. Every permit issued by the Building Official under the provisions of the Specialty Codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount retired for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

E. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the Specialty Codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

(Ord. 1996-523-E § 303)

10.04.150 Fees.

A. General. Fees shall be assessed as set forth in a fee schedule resolution adopted by the Reedsport City Council.

B. Permit Fees. The fee for each permit shall be as set forth in the fee schedule resolution. Where a specialty code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the jurisdiction.

The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

C. Plan Review Fees. When submittal documents are required by Section 10.04.130(B), a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be sixty-five (65) percent of the permit fee.

The plan review fees specified in this section are separate fees from the permit fees specified in subsection B of this section and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 10.04.130(D)(2), an additional plan review fee shall be charged.

D. Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other date submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Investigation Fees - Work Without a Permit.

1. Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the fee schedule resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the specialty codes nor from the penalty prescribed by law.

F. Fee Refunds. The Building Official may authorize refunding of a fee paid hereunder, which was erroneously paid or collected.

The Building Official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

(Ord. 2002-1027: Ord. 1996-523-E § 304)

10.04.160 Inspections.

A. General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 10.04.170

The Building Official may implement additional or alternate inspection procedures or requirements by written administrative rules.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

B. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting any inspections required either by this code or the Specialty Codes to provide access to and means for inspection of the work.

D. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the Building Official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

E. Required Building Inspections. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

The building official, upon notification, shall make the following inspections:

1. Foundation Inspection. To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with U.B.C. Standard 19-3, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. Concrete Slab or Under-Floor Inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

3. Frame Inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

4. Lath and/or Wallboard Inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

5. Final Inspection. To be made after finish grading and the building is completed and ready for occupancy.

F. Required Building Service Equipment Inspections.

1. General. Building service equipment for which a permit is required by this code shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, and additional and final inspection shall be made. Building service equipment regulated by the Specialty Codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

2. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the Building Official not more than forty-eight (48) hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

G. Other Inspections. In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or Specialty Codes and other laws which are enforced by the Code Enforcement Agency.

H. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the Specialty Codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the Inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file and application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Tables 3-A through 3-H or as set forth in the fee schedule adopted by this jurisdiction.

In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

(Ord. 1996-523-E § 305)

10.04.170 Special inspections.

A. General. In addition to the inspections required by Section 10.04.160, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:

1. Concrete. During the taking of test specimens and placing of reinforced concrete. See subsection (A)(12) of this section for shotcrete.

   Exceptions:

   a. Concrete for foundations conforming to the minimum requirements of Table 18-A of the Building Code or for Group R, Division 3 or Group M, Division I Occupancies, provided the Building Official finds that a special hazard does not exist.

   b. For foundation concrete, other than cast-in-place drilled piles or caissons, where the structural design is based on a f_c no greater than two thousand five hundred (2,500) pounds per square inch (psi)(17.2 MPa).

   c. Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) psi (0.1 MPa).

   d. Site work concrete fully supported on earth and concrete where no special hazard exits.

2. Bolts Installed in Concrete. Prior to and during the placement of concrete around bolts when stress increases permitted by Footnote 5 of Table 19-E or Section 1925.2 are utilized.

3. Special Moment-Resisting Concrete Frame. As required by Section 1701.5.3 of the Building Code.

4. Reinforcing Steel and Prestressing Tendons.

1. During all stressing and grouting of tendons in prestressed concrete.

2. During placing of reinforcing steel and prestressing tendons for concrete required to have special inspection by subsection (A)(1) of this section.

   Exception: The special inspector need not be present continuously during placing of reinforcing steel and prestressing tendons, provided inspection for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the jobsite, has been accomplished.

5. Structural Welding.

   a. General. During the welding of any member of connection which is designed to resist loads and forces required by this code.

      Exceptions:

      i. Welding done in an approved fabricator's shop in accordance was subsection F of this section.

      ii. The special inspector need not be continuously present during welding of the following items, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding:

         (A) Single-pass fillet welds not exceeding five-sixteenths inch (7.9 mm) in size;

         (B) Floor and roof deck welding;

         (C) Welded studs when used for structural diaphragm or composite systems;

         (D) Welded sheet steel for cold-formed steel framing members such as studs and joists;

         (E) Welding of stairs and railing systems.

   b. Special Moment-Resisting Steel Frames. During the welding of special moment-resisting steel frames. In addition to subsection (A)(5)(a) of this section requirements, nondestructive testing as required by Section 1703 of the Building Code.

C. Welding of Reinforcing Steel. During the welding of reinforcing steel.

Exception: The special inspector need not be continuously present during the welding of ASTMA A 706 reinforcing steel not larger than No. 5 bars used for embedments, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work, periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding.

6. High-Strength Bolting. As required by U.B.C. Standard 22-4. Such inspections may be performed on a periodic basis in accordance with the requirements of subsection (A)(5) of this section.

7. Structural Masonry.

a. For masonry, other than fully grouted open-end hollow-unit masonry, during preparation and taking of any required prisms or test specimens, placing of all masonry units, placement of reinforcement, inspection of grout space, immediately prior to closing of cleanouts, and during all grouting operations.

Exception: For hollow-unit masonry where the fm is no more than one thousand five hundred (1,500) psi (10.3 MPa) for concrete units or two thousand six hundred (2,600) psi (17.9 MPa) for clay units, special inspection may be performed as required for fully grouted open-end hollow-unit masonry specified in subsection (A)(7)(2) of this section.

b. For fully grouted open-end hollow-unit masonry during preparation and taking of any required prisms or test specimens, at the start of laying units, after the placement of reinforcing steel, grout space prior to each grouting operation, and during all grouting operations.

Exception: Special inspection as required in subsection (A)(7)(a) and (b) of this section, need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to pent noncontinuous inspection.

8. Reinforced Gypsum Concrete. When cast-in-place Class B gypsum concrete is being mixed and placed.

9. Insulating Concrete Fill. During the application of insulating concrete fill when used as part of a structural system.

Exception: The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.

10. Spray-Applied Fireproofing. As required by U. B. C. Standard 7-6.

11. Piling, Drilled Piers and Caissons. During driving and testing of piles and construction of cast-in-place drilled piles or caissons. See subsection (A)(1) and (4) of this section for concrete and reinforcing steel inspection.

12. Shotcrete. During the taking of test specimens and placing of all shotcrete and as required by Sections 1922.10 and 1922.11 of the Building Code.

Exception: Shotcrete work fully supported on earth, minor repairs and when, in the opinion of the Building Official, no special hazard exists.

13. Special Grading, Excavation and Filling. During earthwork excavations, grading and filling operations inspection to satisfy requirements of Chapter 33 of the Building Code.

14. Smoke-Control System.

a. During erection of ductwork and prior to concealment for the purposes of leakage testing and record of device location.

b. Prior to occupancy and alter sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.

15. Wood-Framed Diaphragms and Shear Walls. In Seismic Zones 3 and 4, whenever three-inch nominal framing is required by Table 23-J-1, 23-J-2, 23-K-1 or 23-K-2, inspections may be performed on a periodic basis in accordance with the requirements of subsection E of this section.

16. Special Cases. Work which, in the opinion of the Building Official, involves unusual hazards or conditions.

B. Special Inspector. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

C. Duties and Responsibilities of the Special Inspector. The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.

The special inspector shall furnish inspection reports to the Building Official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the Building Official.

The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.

D. Waiver of Special Inspection. The Building Official may waive the requirement for the employment of a special inspector if the construction is of minor nature.

E. Continuous and Periodic Special Inspection.

1. Continuous Special Inspection. Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.

2. Periodic Special Inspection. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the Building Official.

F. Approved Fabricators. Special inspections required by this section and elsewhere in this code or the Specialty Codes shall not be required where the work is done on the premises of a fabricator registered and approved by the Building Official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the Building Official if it is found that work done pursuant to the approval is in violation of the Specialty Codes. The approved fabricator shall submit a certificate of compliance to the Building Official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:

1. The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant.

2. Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.

3. Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.

4. It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past years.

(Ord. 1996-523-E § 306)

10.04.180 Structural observation.

Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in Section 10.04.030. Observed deficiencies shall be reported in writing to the owner's representative, contractor and the Building Official. The engineer or architect shall submit a statement in writing to the Building Official stating that the site visits have been made.

(Ord. 1996-523-E § 307)

10.04.190 Connection to utilities.

A. Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the Specialty Codes and for which a permit is required by this code, until approved by the Building Official.

B. Temporary Connections. The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

(Ord. 1996-523-E § 308)

10.04.200 Certificate of occupancy.

A. Use of Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

Exception: Group R, Division 3, and Group M Occupancies. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

B. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Building Code.

C. Certificate Issued. After the Building Official inspects the buildings or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number;
2. The address of the building;
3. The name and address of the owner;
4. A description of that portion of the building for which the certificate is issued;
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified;
6. The name of the Building Official.

D. Temporary Certificate. If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

E. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

F. Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

(Ord. 1996-523-E § 309)

Chapter 10.08 UNIFORM CODES ADOPTED

Sections:

10.08.010 Standard Specifications for Public Works Construction adopted by reference.

10.08.020 Code for the Abatement of Dangerous Buildings adopted by reference.

10.08.010 Standard Specifications for Public Works Construction adopted by reference.

The Standard Specifications of the Oregon Chapter of the American Public Works Association and the Standard Specifications of the Oregon State Highway Commission are adopted and made a part of this section by reference. Deviations from the Standards shall be at the discretion of the City Engineer.

(Ord. 1981-585-A § 1)

10.08.020 Code for the Abatement of Dangerous Buildings adopted by reference.

The city does adopt as the city code for the abatement of dangerous buildings, the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings as prepared by the International Conference of Building Officials and any amendments that may be made thereto. That code is incorporated and made a part of this section as though set forth fully herein.

(Ord. 1999-531-A § 1)

Chapter 10.12 EXCAVATION, GRADING AND EARTHWORK CONSTRUCTION

Sections:

10.12.010 Purpose.

10.12.020 Permits required.

10.12.030 Hazards.

10.12.040 Definitions.

10.12.050 Grading permit requirements.

10.12.060 Fees.

10.12.070 Bonds.

10.12.080 Cuts.

10.12.090 Fills.

10.12.100 Setbacks.

10.12.110 Drainage and terracing.

10.12.120 Erosion control.

10.12.130 Grading inspection.

10.12.140 Completion of work.

10.12.150 Fee schedule.

10.12.160 Violation—Penalty.

10.12.010 Purpose.

This chapter sets forth rules and regulations to control major excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

(Ord. 2000-1007 § 1(A))

10.12.020 Permits required.

No person shall do any grading without first having obtained a grading permit from the Building Official except for the following:

A. Grading in an isolated, self-contained area if there is no danger apparent to private or public property;

B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation or fill having an unsupported height greater than five feet after the completion of such a structure;

C. Cemetery graves;

D. Refuse disposal sites controlled by other regulations;

E. Excavations for wells or tunnels or utilities;

F. Exploratory excavations under the direction of a professional engineer;

G. An excavation which: (a) is less than three feet in depth; or (b) which does not create a cut slope greater than eight feet in height and steeper than one and one-half horizontal to one vertical when supported by an adequate retaining wall.

H. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed one hundred (100) cubic yards on any one lot and does not obstruct a drainage course.

(Ord. 2000-1007 § 1(B))

10.12.030 Hazards.

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill etc., is located, or other person or agent in control of the property, upon receipt of notice in writing from the Building Official shall within the period specified therein repair or eliminate such conditions so as to eliminate the hazard and be in conformance with the requirements of this code.

(Ord. 2000-1007 § 1(C))

10.12.040 Definitions.

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section.

"As-graded" is the surface conditions extend on completion of grading.

"Bedrock" is in place solid rock.

"Bench" is a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" is earth material acquired from an off-site location for use in grading on a site.

"Certification" shall mean a written engineering or geological opinion concerning the progress and completion of the work.

"Civil engineering" shall mean the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

"Compaction" is the densification of a fill by mechanical means.

"Earth material" is any rock, natural soil or fill and/or any combination thereof.

"Engineering geologist" shall mean a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Excavation" is the removal of earth material.

"Fill" is a deposit of material placed by artificial means.

"Grade" shall mean the vertical location of the ground surface.

"Existing grade" is the grade prior to grading.

"Rough grade" is the stage at which the grade approximately conforms to the approved plan.

"Finish grade" is the final grade of the site which conforms to the approved plan.

"Grading" is any excavating or filling or combination thereof.

"Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Major excavation or fill" means more than one hundred (100) cubic yards of material excavated or filled on any one site.

"Site" is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" is naturally occurring surficial deposits overlying bed rock.

"Soil engineer" shall mean a civil engineer experienced and knowledgeable in the practice of soil engineering.

"Soil engineering" shall mean the application of the principles of soil mechanics in the investigation, evaluation and design of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

"Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"UBC" is the Uniform Building Code.

(Ord. 2000-1007 § 1(D))

10.12.050 Grading permit requirements.

A. Permits Required. Except as exempted in Section 10.12.020, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be required for each site, and may cover both excavations and fills.

B. Application. Application shall be made on forms provided by the city.

C. Plans and Specifications. When required by the Building Official, each application for a grading permit shall be accompanied by two sets of plans and specifications, supporting data consisting a soil data report. The plans and specifications shall be prepared and signed by a civil engineer, soil engineer or geological engineer when required by the Building Official.

D. Information of Plans and in Specifications. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate five foot contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on and of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.

Specifications shall contain information covering construction and material requirements.

E. Soil Data Report. The soil data report required by subsection C of this section shall include data regarding the nature and distribution of existing soils, plans for grading procedures and design criteria

for corrective measures when necessary, and information covering adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

F. Engineering Geology Report. The engineering geology report required by subsection C of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

G. Reservation. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued.

(Ord. 2000-1007 § 1(E))

10.12.060 Fees.

A. Plan-Checking Fee. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the Building Official shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this chapter. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for grading plans shall be as set forth in the latest adopted State Building Code.

The plan-checking fee for a grading permit and authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

B. Grading Permit Fees. A fee for each grading permit shall be paid to the Building Official as set forth in the latest adopted State Building Code.

The fee for a grading permit authorizing additional work to that under valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

(Ord. 2000-1007 § 1(F))

10.12.070 Bonds.

The Building Official may require bonds in such amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications will be corrected to eliminate hazardous conditions. Such amount of bonds shall be jointly established by Building Official and City Engineer.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond.

(Ord. 2000-1007 § 1(G))

10.12.080 Cuts.

A. General. Unless otherwise recommended in the approve soil engineering and/or engineering geology report cuts shall conform to the provisions of this section.

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than one and one-half horizontal to one vertical.

C. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 10.12.110

(Ord. 2000-1007 § 1(H))

10.12.090 Fills.

A. General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this section.

In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures.

B. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than one and one-half horizontal to one vertical or where the fill slope toes out within five feet horizontally of the top of existing or planned cut slopes.

C. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials as determined by the Building Official or the soil engineer, and, where the slopes are five to one steeper, by benching into sound bedrock or other competent material.

D. Fill Material. Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than eight inches shall be used as determined by Building Official.

E. Compaction. Fills shall be compacted to a minimum of ninety (90) percent of maximum density when required, as determined in accordance with U.B.C. Standard No 70-1. Field density shall be determined in accordance with U.B.C. Standard No. 70-2 or equivalent as approved by the Building Official.

F. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one and one-half horizontal to one vertical, unless otherwise recommended in the engineering report and approved by the City Engineer.

G. Drainage and Terracing. Drainage and terracing shall be provided and the area above slopes and the surfaces of terraces shall be graded or paved as required by Section 10.12.110

(Ord. 2000-1007 § 1(I))

10.12.100 Setbacks.

The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Unless otherwise recommended in the approved engineering report and shown on the approved grading plan, setbacks shall be no less than shown in Attachment I.

(Ord. 2000-1007 § 1(J))

10.12.110 Drainage and terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provision of this section.

B. Terrace. Terraces at least six feet in width shall be established at nor more than thirty (30) foot vertical intervals to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five percent and must be stabilized. They shall have an ample depth and width as determined by the Building Official or engineer.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding sixteen thousand (16,000) square feet (projected) without discharging into an approved drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as required for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official and/or other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge onto natural ground, riprap may be required.

At least two percent gradient toward approved drainage facilities from building pads will be required unless waived by the Building Official for non-hilly terrain.

Exception: The gradient from the building pad may be one percent where building construction and erosion control will be completed before hazardous conditions can occur.

(Ord. 2000-1007 § 1(K))

10.12.120 Erosion control.

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

(Ord. 2000-1007 § 1(L))

10.12.130 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 305 of the Uniform Building Code and Subsection C of this section.

B. Grading Designation. All grading in excess of five thousand (5,000) cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, when required, and shall be designated as "engineered grading." Grading involving less than five thousand (5,000) cubic yards shall be designated "regular grading" unless the permittee or the Building Official chooses to have the grading performed as "engineered grading."

C. Engineered Grading Requirements. For engineered grading it shall be the responsibility of the professional engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports when prepared into the grading plan. He shall also be responsible for the professional inspection and certification of the grading. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage soil bearing strength and stability of the development area. The professional engineer shall act as the coordinating agent in the event the need arises for liaison between other professionals, the contractor and the Building Official. The professional engineer shall also be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the work.

Soil engineering and engineering geology reports shall be required as specified in Section 10.12.050(E) and (F), 10.12.090(E). During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the professional engineer and the Building Official by the soil engineer and the engineering geologist.

The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for sub-drains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

The Building Official shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

D. Regular Grading Requirements. The Building Official may require inspection and testing by an approved testing agency.

The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

When the Building Official has cause to believe that geologic factors may be involved, the grading operation will be required to conform to engineered grading requirements.

E. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this chapter, the professional engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Official. Recommendations for corrective measures, if necessary, shall be submitted.

F. Transfer of Responsibility for Certification. If the professional engineer, the soil engineer, the engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work.

(Ord. 2000-1007 § 1(M))

10.12.140 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work the Building Official may require the following reports and drawings and supplement thereto:

1. An as-graded grading plan prepared by the permittee or the professional engineer when employed including original ground surface elevations, as-graded ground surface elevations, lot

drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The responsible engineer shall provide certification that the work was done in accordance with the final approved grading plan;

2. A soil grading report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He shall provide certification as to the adequacy of the site for the intended use;

3. A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide certification as to the adequacy of the site for the intended use as affected by geologic factors.

B. Notification of Completion. The permittee or his agent shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

(Ord. 2000-1007 § 1(N))

10.12.150 Fee schedule.

The fee schedule shall be as set forth in the latest adopted State Building Code.

(Ord. 2000-1007 § 2)

10.12.160 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof in the Municipal Court of the city shall pay a fine not to exceed five hundred dollars ($500.00). Each day that a violation continues of the provisions of this chapter shall be deemed a separate offense and shall be punished accordingly.

(Ord. 2000-1007 § 3)

Chapter 10.16 MOBILE HOMES AND RECREATIONAL VEHICLES

Sections:

10.16.010 Definitions.

10.16.020 Exceptions.

10.16.030 Reserved.

10.16.040 Reserved.

10.16.050 Recreational vehicle park—Operation restrictions.

10.16.060 Violation—Penalty.

10.16.010 Definitions.

For the purpose of this chapter, the following terms, words, phrases and their derivations shall have the meanings set forth in this section. When not inconsistent with the context, the words used in the present tense include the past tense, the words, in the plural number include the singular number, and words in the singular number include the plural number. Each gender term used includes the masculine, and the feminine, and the neuter genders as the content requires. The word "shall" is always mandatory and not merely directory.

As used in this chapter, the words "mobile home" and "recreational vehicle" shall be defined to mean any mobile home, motor home, travel trailer, camping trailer, camp car, trailer home, recreational vehicle, boat parked on a trailer, or any structure converted from a mobile unit or any kind into a living unit which may be used for overnight sleeping.

As used in this chapter, the words "self-contained mobile home" shall be defined as a mobile home with sanitary facilities, which do not require outside hookups.

(Ord. 1982-417-B § 1)

As used in this chapter, the words "recreational vehicle park" shall be defined to mean a lot or parcel of land used for the accommodation of one or more mobile homes occupied as living or sleeping quarters.

"City" is the city of Reedsport.

"Person" shall be defined to mean any individual, firm, trust, partnership, limited liability partnership, limited liability company, company, association, professional corporation, corporation, municipal corporation, the United States of America, any political subdivision of the state of Oregon, or Douglas County.

(Ord. 2002-1034 (part): Ord. 1982-417-B § 1)

10.16.020 Exceptions.

It shall not be a violation of this chapter to place self-contained mobile homes on construction sites in the city during the construction of the improvement at the construction site for a period not to exceed six months from the date the mobile home is placed on the site.

(Ord. 2002-1034 (part): Ord. 1982-417-B § 2)

10.16.030 Reserved.

Editor's note— Ord. No. 2013-1123, adopted June 3, 2013, amended and relocated § 10.16.030 to § 6.08.155. Former § 10.16.030 pertained to temporary use and was derived from Ord. 2002-1034 (part) and Ord. 1982-417-B §§ 3, 7.

10.16.040 Reserved.

Editor's note— Ord. No. 2013-1123, adopted June 3, 2013, amended and relocated § 10.16.040 to § 6.08.155. Former § 10.16.040 pertained to parking or placing of mobile home restricted and was derived from Ord. 2002-1034 (part) and Ord. 1982-417-B § 4

10.16.050 Recreational vehicle park—Operation restrictions.

It shall be unlawful for any person to maintain or operate within the limits of the city any recreational vehicle park unless it has been licensed by the state of Oregon and shall comply and meet all of the requirements of the laws of the state of Oregon, governing tourist camps, and the rules and regulations of the Oregon State Board of Health, pertaining thereto.

(Ord. 2002-1034 (part): Ord. 1982-417-B § 5)

10.16.060 Violation—Penalty.

Any person violating any of the provisions of this chapter, or failing to comply therewith, shall upon conviction in the Reedsport Municipal Court, be subject to a fine not to exceed one thousand dollars ($1,000.00).

(Ord. 2002-1034 (part): Ord. 1982-417-B § 6)

DIVISION II. SUBDIVISIONS

Chapter 10.20 - GENERAL PROVISIONS AND DEFINITIONS

Chapter 10.24 - TENTATIVE SUBDIVISION PLAN

Chapter 10.28 - FINAL SUBDIVISION PLATS

Chapter 10.32 - PARTITIONS

Chapter 10.36 - CONSOLIDATION OF LOTS

Chapter 10.40 - PROPERTY LINE ADJUSTMENTS

Chapter 10.44 - ACCEPTANCE AND DEDICATION OF STREETS

Chapter 10.48 - DESIGN STANDARDS

Chapter 10.52 - IMPROVEMENTS

Chapter 10.56 - EXPEDITED LAND DIVISIONS

Chapter 10.60 - ADMINISTRATIVE PROVISIONS

Chapter 10.20 GENERAL PROVISIONS AND DEFINITIONS

Sections:

10.20.010 Purpose and conflict of provisions.

10.20.020 Approval of land division.

10.20.030 Definitions.

10.20.010 Purpose and conflict of provisions.

Subdivision and land partitioning review procedures have been established for the following purposes:

A. To ensure building sites of sufficient size and appropriate design for the purposes for which they are to be developed and that lots to be created are within the density ranges permitted by the comprehensive plan and zoning ordinance;

B. To minimize the negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;

C. To ensure economical, safe and efficient circulation systems for pedestrians and vehicular traffic;

D. To ensure the appropriate level of facilities and services including provisions for water, drainage and sewerage.

Whenever this division is less restrictive than ORS Chapter 92, then the provisions of ORS Chapter 92 shall apply. Whenever this division is more restrictive than ORS Chapter 92, this division shall apply.

(Ord. 2000-437-E § 1)

10.20.020 Approval of land division.

Consolidations, adjustments, and divisions of land shall be approved according to the review procedure named in this section. A person desiring to consolidate properties, adjust property lines, subdivide or partition land shall submit tentative plans and final documents for approval as provided for in this division. Property line adjustments, subdivisions and partitions shall also conform with the provisions of ORS Chapter 92 and of the comprehensive plan for the city. No person shall dispose of, transfer, or sell any lot or parcel of land in a partition with respect to which approval is required by this division, until such approval is obtained.

A. No person shall sell any lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has approval and is recorded with the Recording Officer of Douglas County.

B. The following review procedures shall be used to approve, approve with conditions, or deny applications made under the provisions of this division:

1. Administrative decisions are made by the Community Development Director, City Engineer, or Planning Commission based on standards specified in this division. No notification of adjacent property owners, or public hearing, is required.

2. Limited land use decisions are final decisions made by the Planning Commission regarding proposals within the Urban Growth Boundary which concern either: the approval or denial of a subdivision or partition described in ORS Chapter 92; or the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

   Notification of property owners within one hundred (100) feet of the applicant property is required, with a fourteen (14) day written comment period prior to the decision by the Planning Commission. No public hearing is required. Procedures for limited land use decisions are outlined in Chapter 10.60.

3. Land use decisions are interpretive decisions made by the Planning Commission concerning the adoption, amendment or application of land use regulations, planning goals, provisions of the comprehensive plan, or determinations of state agencies.

Land use decisions require notification of property owners within two hundred (200) feet of the subject application and a public hearing. The procedures for land use decisions are outlined in Chapters 10.60 and 10.196.

4. Expedited land divisions are made by the Planning Commission concerning land zoned exclusively for residential and accessory purposes, land not protected for natural features which satisfies or exceeds the minimum street right-of-way standards and maximum net density standards. It is a nondiscretionary division that requires the notification of property owners within one hundred (100) feet, with a fourteen (14) day response period. Procedures for expedited land divisions are outlined in Chapter 10.56

(Ord. 2000-437-E § 2)

10.20.030 Definitions.

For the purpose of this division:

"Access" means the right for pedestrians and vehicles to enter and leave public and private real property.

"Advertising" means the publication, or causing to be published, of any material relating to disposition of interests in a land development which has been prepared for public distribution by any means of communication.

"Agent" means any person who represents, or acts for or on behalf of, a developer in disposing of interests in a land development, including real estate brokers as defined in subsection (8) of ORS 696.025 (1), (3) and (4).

"Alley" means a narrow street through a block primarily for access by service vehicles to the back or side of properties otherwise abutting on another street.

"Arterial" means a street of considerable continuity which is used primarily for through traffic, or a traffic artery for intercommunication among large areas, or which by its location will likely be needed for such use in the normal growth of the community.

"Bikeway" means a right-of-way for bicycle traffic.

"Block" means an area of land which may be bound on all sides by streets, railroad rights-of-way, unsubdivided land or water courses.

"Boundary line adjustment" means the relocation of a common property line between two abutting properties. It occurs when property lines separating two or three properties are moved to add or remove land from the properties, and does not result in the creation of a new lot.

"Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

"City" means the city of Reedsport, Oregon.

"City Council" means the Common Council of the city of Reedsport, Oregon.

"City Engineer" means the City Engineer of the city of Reedsport or a fully qualified person designated by the City Manager to fulfill the responsibilities of a City Engineer as specified by the city.

"Collector" means a street supplementary to the arterial street system and a means of intercommunications between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

"Commission" means the city of Reedsport Planning Commission.

"Comprehensive plan" means a plan so designated and adopted by the City Planning Commission and the City Council.

"Consolidation of lots" means the creation of one unit of land (by combining two or more units of land) where more than one unit of land previously existed.

"Contiguous land" means any additional land adjacent to or adjoining the land under consideration.

"Cross section" means a profile of the ground surface perpendicular to the center line of a street, stream, valley bottom, or similar physical feature.

"Cul-de-sac" means a street on which one end is open to traffic and the other terminates in a vehicle turn-around.

"Curb lines" means the line dividing the roadway from the planting strip or sidewalk.

"Developer" means any person who creates or proposes to create a land development, including any agent of a developer.

"Division of land" means the creation of lots or parcels.

"Drainage land" means land required for drainage ditches, or land required along a natural stream or watercourse to preserve the channel and provide for the flow of water therein as a public safeguard against flood damage or the accumulation of surface water.

"Easement" means a grant of the right to use land for specific purposes.

"Flood" means an overflow of water onto lands not normally covered by water.

"Flood plain" means the relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, lake or reservoir, which has been or may be covered by a flood.

"Frontage" means all property fronting on one side of a street and measured along the street line between intersecting and intercepting streets or between a street, a right-of-way, waterway, dead-end street, city boundary or property line.

"Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

"Improvements" means those facilities providing services to man which shall include, but are not limited to, curbs, gutters, sidewalks, street lights, street signs, road beds, road surfaces, storm drains and appurtenances, fire hydrants, sanitary sewer and appurtenances, domestic water systems, and underground utilities.

"Interest" includes ownership of a lot, parcel, share, or unit, undivided interest, membership or similar interest in a land development; or a lessee's interest for more than one year in same.

"Land development" means the subdividing or partitioning of land for any purpose, including the creation of a planned unit development, into lots or parcels. The intent to dispose of any land whether contiguous or not, including any land divided into lots, parcels or units which are offered as a part of a common promotional plan of advertising and disposition of land, where the land is offered as a part of a disposition by a single developer or a group of developers acting in concert. If the land is contiguous, known, designated or advertised as a common unit or by a common name, it shall be presumed to be offered for disposition as part of a common promotional plan.

"Land partition" means the process of dividing a single property into two or three parcels of land within a calendar year, for the purpose of sale, taxation, development, or other purpose, not including:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. A property line adjustment;
3. A sale or grant by a person to a public agency or public body for the state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other

right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

"Lot" means a single unit of land that is created by a subdivision or partition of land.

1. "Butt lot" or "parcel" means a lot or parcel, on which the side line abuts the lot or parcel rear line of two or more adjoining lots or parcels.
2. "Corner lot" means a lot at least two adjacent sides of which abut streets, other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty-five (135) degrees.
3. "Key lot" or "parcel" means a lot or parcel, of which the rear line abuts the lot side line of two or more adjoining lots or parcels.
4. "Lot area" means the total horizontal net area within the lot lines of a lot. "Net area" is the square footage of a lot that is free from public and private rights-of-way.
5. "Lot depth" means the horizontal length of a straight line connecting the bisecting points (midpoints) of the front and rear lot lines.
6. Lot Line Adjustment. See "Property line adjustment" definition.
7. "Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lots lines.
8. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.
9. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

"Lot line" means

1. Front: the lot or parcel line abutting a street right-of-way. For corner lots or parcels, the lot or parcel front line is that with the narrowest street frontage. For double frontage lots, through lots or parcels, the lot or parcel front line is that having frontage on a street that is so designated by the land divider and approved as part of a subdivision or partition as provided for in this title.
2. Rear: the lot or parcel line which is opposite to and most distant from the lot or parcel front line.
3. Side: any lot or parcel line, which is not a lot or parcel front or rear line.

"Map" means a final diagram or drawing concerning a partition or subdivision suitable for recording.

"Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

"Minor street" means a street intended primarily for access to abutting properties.

"Minor variance" is an administrative action performed by the Community Development Director and City Engineer (see Chapter 10.60).

"ORS" means Oregon Revised Statutes (State law).

"Owner" means an individual, association, partnership, or corporation having legal or equitable title to lands sought to be divided, other than legal title being held for security only.

"Parcel" means a single unit of land that is created by the division or partitioning of land.

"Partition land" means the process of dividing a single property into two or three parcels of land within a calendar year, for the purpose of sale, taxation, development, or other purpose, not including:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213 (2) (p) to (r) and 215.283 (2) (p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned;
4. The division of land resulting from the recording of a subdivision or condominium plat;
5. A sale or grant by a public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets, or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

"Partitioner" means an owner commencing proceedings under this division to effect a partition or subdivision of land by the owner or the owner's lawful agent.

"Partition parcel" means a unit of land that is created by a partitioning of land.

"Partition plat" means a final map, replat, diagram, drawing and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

"Pedestrian way" means a right-of-way for pedestrian traffic.

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

"Planned unit development" means the development of an area of land as a single entity for a number of swelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space, to the regulations otherwise required by the Reedsport zoning ordinance.

"Planning Commission" means the Planning Commission of the city of Reedsport, Oregon.

"Planning office" means City Hall, Reedsport, Oregon.

"Property consolidation" means the creation of one unit of land where more than one unit of land previously existed.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties.

"Reserve strip" means a strip of land lying between a dedicated street and adjacent property for the purpose of denying access to the street.

"Right-of-way" means the area between boundary lines of a street or other easement.

"Roadway" means the portion of a street right-of-way intended for motorized vehicular traffic.

"Sale" also "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

"Street" means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land.

1. "Alley" means a narrow street through a block primarily for access by service vehicles to the back or side of properties otherwise abutting on another street.
2. "Arterial" means a street of considerable continuity which is used primarily for through traffic, or a traffic artery for intercommunication among large areas, or which by its location will likely be needed for such use in the normal growth of the community.
3. "Bikeway" means a right-of-way for bicycle traffic.
4. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
5. "Cul-de-sac" means a street on which one end is open to traffic and the other terminates in a vehicle turnaround.
6. "Half street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
7. "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
8. "Minor street" means a street intended primarily for access to abutting properties.
9. "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future land developments on adjacent lands.

"Street plug" means a strip of land across the end of a dedicated street for the purpose of separating the street from adjacent property of another street.

"Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future land developments on adjacent lands.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year.

"Subdivision" means land or a tract or area of land, which has been, or is proposed to be, subdivided as specified in this division.

"Subdivision plat" means the final map, diagram, drawing, replat or other writing containing the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

"Surety bond" means a financial commitment by the partitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Sections 10.52.010 and 10.52.020.

"Tentative plan" means the preliminary proposal for a subdivision or partition, which includes the information, specified in Chapter 10.24 or 10.32 as applicable.

"Underground utilities" include, but are not limited to communications transmission facilities, television cables, electric, telephone, water, sanitary sewer, natural gas, storm drain, etc.

"USC & GS" means United States Coast Guard and Geodetic Survey Agency of the United States government.

"Variance" means an exception to the regulations established by this division, granted under specific conditions.

"Zoning ordinance" means the current zoning ordinance of the city of Reedsport, Oregon.

(Ord. 2000-437-E § 3)

Chapter 10.24 TENTATIVE SUBDIVISION PLAN

Sections:

10.24.010 Submission.

10.24.020 Tentative plan requirements.

10.24.030 Specific approval requirements.

10.24.040 Wetland notification.

10.24.050 Notice.

10.24.060 Development phasing.

10.24.070 Criteria for tentative subdivision plan.

10.24.080 Approval of tentative subdivision plan.

10.24.090 Duration of preliminary subdivision plan approval.

10.24.100 Appeal of subdivision plan decision.

10.24.110 Granting of extensions.

10.24.010 Submission.

A developer shall prepare a tentative plan, together with supplementary material as may be required by the city, to indicate the nature and objectives of the subdivision, and shall submit one transparent reproducible print of the tentative plan and fifteen (15) copies to the Community Development Director at least thirty (30) days prior to the Planning Commission hearing at which consideration of the plan is desired together with the appropriate fee (as set by resolution of the City Council). Copies shall be distributed by the Community Development Director to the City Engineer, Fire Chief and Fire Marshal for their review and comment. Such filing shall be made prior to the initiation of any construction work within or adjacent to the proposed subdivision which might be affected by changes in the tentative plan.

(Ord. 2000-437-E § 4(A))

10.24.020 Tentative plan requirements.

The tentative plan of a subdivision shall contain the information below, in the form of a narrative statement and depicted in a diagram. The diagram shall be drawn on a sheet eighteen (18) by twenty-four (24) inches in size, or a two-inch multiple thereof (i.e., twenty (20) by twenty-six (26), twenty-two (22) by twenty-eight (28) etc.), not to exceed forty-two (42) inches in width, at a scale of one-inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of one hundred (100). All diagrammatic information shall be dated and shall indicate scale and north point.

A. Names:

1. Proposed name of the subdivision, which shall not duplicate or resemble the name of another subdivision in the city or Douglas County and shall be approved by the Planning Commission;
2. Names and address of the owner, subdivider, and engineer and/or surveyor;
3. Names and addresses of all property owners within one hundred (100) feet of the subdivision's proposed boundaries, as shown on the last preceding tax roll of the Douglas County Assessor;
4. Appropriate identification clearly stating the map as preliminary or tentative.

B. Location:

1. Vicinity map, at an appropriate scale showing adjacent property boundaries, abutting land uses and the subdivision's relationship to the city and major public facilities;
2. A legal description of the subdivision;
3. North arrow, scale and date of drawing.

C. Natural features:

1. Contour lines, related to an established benchmark or U.S.C. & G.S. datum, and having intervals appropriate to slope grades to be determined at a preliminary meeting between the developer and the City Engineer;
2. Water courses, including their direction of flow and probable flood plain;
3. Soil characteristics;
4. Significant physical features such as wooded areas, wetlands and rock outcroppings.

D. Existing conditions:

1. The location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-ways, and other important features such as section lines, etc.;
2. Zoning classifications of the subdivision and adjacent lands;
3. Boundary lines of any governmental jurisdiction, including special service districts, within or adjacent to the subdivision;
4. Existing drainage water run-off, calculated in accordance with provisions of either the Oregon State Highway Division Hydraulics Manual or the U.S. Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources;
5. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract immediately adjacent thereto, together with pipe sizes, grades and locations indicated;
6. ORS 92.050(9).

E. Proposed development:

1. Location, width, names, approximate grades and radii of curves of proposed streets;
2. Location, width and purpose of proposed easements; (Cf. 92-050(8))
3. Location and approximate dimensions of areas to be subdivided as lots and blocks; (Cf. 92050(7))
4. Location and description of all proposed utility improvements, including but not limited to, sanitary sewer, domestic water, and storm drainage. Certification of capability and willingness to serve the subdivision from each affected utility company shall also be included;
5. Location, dimensions, and characteristics of areas proposed for public or nonresidential uses;
6. Schedule indicating the tentative timetable of improvement construction, including initiation and completion dates;
7. Description of the area proposed for partial recording of a final plat, if phased development and recording is contemplated. If the subdivision proposal pertains to only part of the tract owned or controlled by the developer, the Planning Commission may require a preliminary diagrammatic plan for streets, sewers, and drains in the unsubdivided portion;

8. Draft of proposed deed restrictions and/or covenants, if any, which affect the subdivision;
9. Projected drainage water run-off, calculated in accordance with the provisions of either the Oregon State Highway Division Hydraulics Manual or the U.S. Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources;
10. Environmental assessment as to how the project will impact or be impacted by each of the following:
    a. Slope stability,
    b. Terrain,
    c. Natural hazards,
    d. Manmade hazards,
    e. Schools,
    f. Shopping,
    g. Police and fire,
    h. Transportation,
    i. Water supply system,
    j. Sanitary sewer system,
    k. Storm drain system,
    l. Energy resources,
    m. Aesthetics and urban design.

(Ord. 2000-437-E § 4(B))

10.24.030 Specific approval requirements.

In addition to the requirements set forth in this title and in applicable local and state regulations, specific requirements for tentative plan approval are as follows:

A. No tentative plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Douglas County, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plans must continue the block numbers of the plat of the same name last filed.

B. No tentative plan for a proposed subdivision shall be approved unless:
    1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.
    2. Streets for public use are to be dedicated without any reservation or restriction.
    3. Streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

4. Streets held for private use, and indicated on the tentative plan of such a subdivision, may be approved by the City Engineer.
5. The plan contains provisions for the donation to the city of all common improvements, including but not limited to streets, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision.

(Ord. 2000-437-E § 4(C))

10.24.040 Wetland notification.

The Community Development Director shall determine if the proposed subdivision is located within, or contains, wetlands as determined by local wetlands inventory maps. If so, the Director shall send notice, on the appropriate form, to the Division of State Lands within five days of receiving the complete application for the proposed subdivision. The Director shall notify the applicant of this action and explain that the location of the proposed subdivision within, or containing, wetlands may require a permit by state and/or federal agencies. The city may continue to process the application and proceed with a decision to approve or deny it, independent of the response from the Division of State Lands.

(Ord. 2000-437-E § 4(D))

10.24.050 Notice.

Notice of the proposed plan shall be mailed to all property owners within one hundred (100) feet of the proposed subdivision, naming a fourteen (14) day period in which written comments may be submitted to the city regarding the plan. The notice shall contain the information set forth in Section 10.60.090(B). Notice of the proposed plan shall also be sent to agencies whose jurisdiction includes the area of the proposed subdivision, such as the State Department of Environmental Quality, special districts, and utility districts.

(Ord. 2000-437-E § 4(E))

10.24.060 Development phasing.

A preliminary subdivision plan may provide for platting in as many as three phases. The preliminary plan must show each phase and be accompanied by the proposed time limitations for approval of the final plat for each phase.

Time limitations for the various phases must meet the following requirements:

A. Phase 1 final plat shall be submitted for approval within (24) twenty-four months of preliminary approval.
B. Phase 2 final plat shall be submitted for approval within thirty-six (36) months of preliminary approval.
C. Phase 3 final plat shall be submitted for approval within forty-eight (48) months of preliminary approval.

(Ord. 2000-437-E § 4(F))

10.24.070 Criteria for tentative subdivision plan.

The review body shall approve, approve with conditions or deny the request based upon the following criteria:

A. The plan conforms to all applicable standards of the current Reedsport zoning ordinance.

B. The plan conforms to the Reedsport comprehensive plan with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps.

(Ord. 2000-437-E § 4(G))

10.24.080 Approval of tentative subdivision plan.

Within thirty (30) days from the first regular Commission meeting following submission of a tentative plan of a subdivision, the Commission shall review the plan, the staff reports from the Fire Chief, Fire Marshal, City Engineer and Community Development Director, and the comments from surrounding property owners and agencies. The Commission may approve the tentative plan as submitted, or as modified, or reject it. The Planning Director shall provide the developer with written notice, including findings, of the Commission's action within five days. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision; however, approval of a tentative plan shall be binding upon the city for the purposes of the preparation of the final plat. The city may require only such changes in the final plat as are necessary for compliance with the terms of its approval of the tentative plan.

(Ord. 2000-437-E § 4(H))

10.24.090 Duration of preliminary subdivision plan approval.

Approval of a preliminary subdivision plan shall be valid for eighteen (18) months from the date of approval of the preliminary plan; provided, that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of this title. If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property will require the submission of a new application.

(Ord. 2000-437-E § 4(I))

10.24.100 Appeal of subdivision plan decision.

Appeal of the decision to approve, approve with conditions, or deny the subdivision plan can be made by following the provisions of Sections 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals.

(Ord. 2000-437-E § 4(J))

10.24.110 Granting of extensions.

Within eighteen (18) months, an applicant may request an extension of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be

considered an administrative action and shall be submitted to the Community Development Director in writing prior to expiration of such approval, stating the reason why an extension should be granted.

The Community Development Director may grant an extension of up to twelve (12) months if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

(Ord. 2000-437-E § 4(K))

Chapter 10.28 FINAL SUBDIVISION PLATS

Sections:

10.28.010 Submission.

10.28.020 Form of final plat.

10.28.030 Information on plat.

10.28.040 Supplemental information with plat.

10.28.050 Technical plat review.

10.28.060 Agreement for improvements.

10.28.070 Approval of the plat.

10.28.080 Filing of plat.

10.28.010 Submission.

Within eighteen (18) months of approval of the tentative plan, or any extension granted under Chapter 10.24, the developer shall cause the subdivision, or any part thereof, to be surveyed and a plat prepared in conformance with the tentative plan as approved. The developer shall submit the original drawing, fifteen (15) prints, and any supplementary information required by the city to the City Recorder. If the developer fails to procure the survey and file his plat with the City Recorder before the expiration of the eighteen (18) month period following the approval of the tentative plan, or any extension granted under Chapter 10.24, the plan shall be deemed void unless an extension is granted by the Commission prior to such expiration. "File the plat" means to deliver the plat document to the City Recorder and to receive an acknowledgement from the City Engineer that he/she has reviewed the plat, that it is substantially the same as it appeared on the approved tentative plan and that there has been compliance with this division, the comprehensive plan and the zoning ordinance. If changes must be made which, in the opinion of the City Engineer, are minor in nature, the City Engineer may proceed under this chapter, in which case the plan shall not be deemed to be void as long as the developer complies with the time frame established by the City Engineer to make those changes.

(Ord. 2000-437-E § 5(A))

10.28.020 Form of final plat.

All plats shall be drawn with a good quality black ink, approved by the County Surveyor, on .005 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen (18) inches by twenty-four (24) inches in size with a three inch extension at the left end (overall size shall be eighteen (18) inches by twenty-seven (27) inches) that is suitable for binding and copying purposes. The quality of the drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No

Daiso process may be used. No drafting shall come nearer any edge than one inch and no nearer the left edge than four inches.

(Ord. 2000-437-E § 5(B))

10.28.030 Information on plat.

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,

2. Adjoining corners of adjoining subdivisions,

3. Monuments found or established in making the survey of the subdivision or required to be installed by provisions of this division or Oregon Law;

B. Boundary Street. The exact location and width of streets and easements intercepting the boundary of the tract;

C. Boundary Lines. Tract, boundary lines, street right-of-way and center lines, with dimensions, bearings or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest one second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used;

D. Streets. The width of the portion of street being dedicated, the width of existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a copy of that easement shall be provided. The width of the easement, its length and bearing and sufficient ties to locate the easement 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;

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively;

G. Block Numbers. On or after the adoption date of the ordinance codified in this division, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters, in which case the numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

H. Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale;

I. Zoning. Zoning classification of the property within the subdivision;

J. Certificate. The following certificates shall appear on the plat as submitted, which may be combined where appropriate:

1. Certificate signed and acknowledged by all parties having any record title interest in the subdivided land, consenting to the preparation and recording of the plat,

2. Certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants,
3. Certificate with the seal of and signed by the surveyor registered by the State of Oregon responsible for the survey of the final plat,
4. Certificate, on the required tracing of the final plat, signed by the Douglas County Clerk and the surveyor certifying that the tracing is a true and exact copy of the final plat,
5. Affidavit of post-monumentation, if applicable, for execution by the surveyor responsible for the survey of the final plat,
6. Certificate for execution by the chairperson of the Planning Commission,
7. Certificate for execution by the City Engineer,
8. Certificate for execution by the Douglas County Assessor.
9. Certificate for execution by the Douglas County Treasurer,
10. Certificate for execution by the Douglas County Board of Commissioners,
11. Certificate for execution by the Douglas County clerk,
12. Certificate for execution by any applicable special districts.

(Ord. 2000-437-E § 5(C))

10.28.040 Supplemental information with plat.

The following data shall accompany the plat:

A. Title Report. An American Land Title Association title report issued by a title insurance company doing business in the state of Oregon showing the name of the owner of the land, and all parties with an interest in the real property, issued not more than thirty (30) days prior to submission of the final plat, together with a signed consent from all such parties;

B. Survey Data Sheets. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any,
2. The computation sheets showing the bearings, distances, angles, latitudes, departures, and error of closure, if any, and the curve data of each lot in the subdivision,
3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing;

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision;

D. Dedication. A copy of any dedication requiring separate documents;

E. Assessments. A list of all assessments on the tract which have, or may have, become a lien on the tract;

F. City Engineer Certificate. A certificate by the City Engineer that the developer has complied with the requirements of Sections 10.52.010 and 10.52.020 on improvement guarantees;

G. Improvements. If grading, street improvements, sewer facilities and/or water facilities are required as the conditions of approval of the final plan the following shall be required to be submitted with the final plat:

1. Plans, profiles, cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations, and width and location of sidewalks. Proposed streets with other

than a standard symmetrical crown section shall be submitted with a three-line profile. Curb return data shall be provided for all returns,

2. Plans, specifications and profiles of the proposed water, sewer and storm distribution system showing pipe sizes and location of valves and fire hydrants,
3. Specifications for the construction of all proposed utilities,
4. Grading and planting plans and specifications for street trees and other plantings in public areas,
5. Complete tabulations of all quantities of all improvements and related materials, including but not limited to excavation, fill, gravel, asphalt, concrete and pipe.

(Ord. 2000-437-E § 5(D))

10.28.050 Technical plat review.

A. Ordinance Check. Upon receipt by the city, the final plat and other data shall be reviewed by the Community Development Director and the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and that there has been compliance with this division, the comprehensive plan, and the zoning ordinance.

B. Field Check. The city officials may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground, and they may enter the property for this purpose.

C. Corrections. If the Planning Director or the City Engineer determines that full conformity has not been made, they shall advise the developer of the changes or additions that must be made. If the changes required to be made are minor, and the time period for submission of the final plat pursuant to this chapter has been complied with, except for such minor changes, the Planning Director of the City Engineer shall afford the developer an opportunity to make the changes or additions and set appropriate deadlines.

(Ord. 2000-437-E § 5(E))

10.28.060 Agreement for improvements.

Before approval of the final subdivision plat, the applicant shall comply with the provisions and requirements of Sections 10.52.010 and 10.52.020.

(Ord. 2000-437-E § 5(F))

10.28.070 Approval of the plat.

Upon receipt of the plat, and the reports of the Planning Director and the City Engineer, the Planning Commission shall determine whether it conforms to the approved tentative plan and all applicable requirements. If the Planning Commission does not approve the plat, it shall advise the developer of the changes or additions that must be made and shall afford him an opportunity to do so. If the Planning Commission determines that the plat conforms with the approved tentative plan and all applicable requirements, it shall give its approval, which shall be indicated by the signature of the chairperson of the Planning Commission.

The approval of the plat does not constitute or effect an acceptance by the city for maintenance of any street shown on the plat.

(Ord. 2000-437-E § 5(G))

10.28.080 Filing of plat.

A developer shall, without delay, submit the plat for signatures of the other public officials listed in this chapter. Approval of the plat by the Commission shall be null and void if the plat is not recorded within sixty (60) days after the date the approval of the Commission has been obtained. After obtaining all required approvals and signatures, the developer shall file the plat and an exact copy thereof in the County Clerk's office.

A. No plat shall be recorded unless all taxes and all special assessments, fees, or other charges required by law have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. Immediately after, recording such plat, the developer shall provide to the City Engineer and City Recorder, without cost, such prints of the plat as they may request as well as such copies as may be required by the Douglas County Board of Commissioners.

(Ord. 2000-437-E § 5(H))

Chapter 10.32 PARTITIONS

Sections:

10.32.010 Scope and procedure.

10.32.020 Submission of partition plan.

10.32.030 Partition plan contents.

10.32.040 Specific approval requirements.

10.32.050 Notice.

10.32.060 Wetlands notice.

10.32.070 Partition plan review criteria.

10.32.080 Dedications required.

10.32.090 Appeal of partition plan decision.

10.32.100 Final partition plat.

10.32.110 Filing requirements.

10.32.010 Scope and procedure.

A partition is the process of dividing land into two or three parcels within a calendar year (see Section 10.20.010(C) for exclusions). Partitions are reviewed in two stages. The tentative partition plan is reviewed primarily for the design aspects, such as connection to existing and future streets, consideration of natural features, and compliance with requirements of other portions of this division. It is recommended that a surveyor prepare this plan. The review of this tentative plan is done as a limited land use decision.

The final plat is reviewed for conformation to the tentative partition plan, as approved with or without conditions, and applicable state or county laws or rules. The final plat must be prepared by a licensed land

surveyor and is the instrument by which the land division is recorded. The review of the final plat is done as a limited land use decision.

(Ord. 2000-437-E § 6(A))

10.32.020 Submission of partition plan.

An applicant shall prepare a partition plan together with supplementary material as may be required by the city, together with the appropriate fees (as set by resolution of the City Council) to indicate the nature and objectives of the partition, and shall submit a reproducible print and fifteen (15) copies of the plan to the Community Development Director to be distributed to the City Engineer, Fire Chief and Fire Marshal and Planning Commission for their review and comment.

(Ord. 2000-437-E § 6(B))

10.32.030 Partition plan contents.

The tentative plan of a partition shall contain the information below, in the form of a narrative statement and depicted in a diagram. The diagram shall be drawn on a sheet eighteen (18) by twenty-four (24) inches in size, or a two-inch increment thereof, not to exceed forty-two (42) inches in width, at a scale of one-inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of two. All diagrammatic information shall be dated and shall indicate scale and north point.

The applicant shall also furnish the names of all property owners within one hundred (100) feet of the exterior boundaries of the proposed partition, as indicated by the latest property tax assessment roll. Incomplete applications shall be handled according to the rules outlined under the administrative provisions, Chapter 10.60.

A. Names:

1. Name and address of the owner, and engineer or surveyor;
2. Names and addresses of all property owners within one hundred (100) feet of the partition's proposed boundaries, as shown on the last preceding tax roll of the Douglas County Assessor;
3. Appropriate identification clearly stating the map as preliminary.

B. Location:

1. Vicinity map, at an appropriate scale showing adjacent property boundaries, abutting land uses and the partition's relationship to the city and major public facilities;
2. A legal description of the proposed partition;
3. North arrow, scale and date of drawing.

C. Natural features:

1. Water courses, including their direction of flow and probable flood plain;
2. Significant physical features such as wooded areas, wetlands and rock outcroppings.

D. Existing conditions:

1. The location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features such as section lines etc.;
2. Zoning classifications of the partition and adjacent lands;

3. Boundary lines of any governmental jurisdiction, including special service districts, within or adjacent to the partition;
4. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract immediately adjacent thereto, together with pipe sizes, grades and locations indicated.

E. Proposed development:

1. Location, width, names, approximate grades and radii of curves of proposed streets;
2. Location, width and purpose of proposed easements;
3. Location and dimensions of areas to be partitioned;
4. Location, dimensions, and characteristics of areas proposed for public or nonresidential uses;
5. Schedule indicating the tentative timetable of improvement construction, including initiation and completion dates;
6. Description of the area proposed for partial recording of a final plat, if phased development and recording is contemplated. If the partition proposal pertains to only part of the tract owned or controlled by the partitioner, the Planning Commission may require a preliminary diagrammatic plan for streets, sewers, and drains in the partitioned portion;
7. Draft of proposed deed restrictions and/or covenants, if any, which affect the partition.

(Ord. 2000-437-E § 6(C))

10.32.040 Specific approval requirements.

In addition to the requirements set forth in this division and in applicable local and state regulations, specific requirements for tentative plan approval are as follows:

No tentative plan for a proposed partition shall be approved unless:

A. The streets and roads are laid out to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

B. Streets for public use are to be dedicated without any reservation or restriction.

C. Streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

D. The plan contains provisions for the donation to the city of all common improvements, including but not limited to streets, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision.

(Ord. 2000-437-E § 6(D))

10.32.050 Notice.

Notice of the proposed partition shall be mailed to all property owners within one hundred (100) feet of the proposed partition, naming a fourteen (14) calendar day period in which written comments may be submitted to the city regarding the proposed partition plan. These comments shall be considered by the Community Development Director and City Engineer in their review of the partition.

Notice of the proposed partition shall also be sent to agencies whose jurisdiction includes the area of the proposed partition, such as: fire districts, police districts, State Department of Environmental Quality, and special districts, and utility districts.

(Ord. 2000-437-E § 6(E))

10.32.060 Wetlands notice.

The Community Development Director shall determine if the proposed partition is located within, or contains, wetlands as determined by local wetlands inventory maps. If so, the Director shall send notice, on the appropriate form, to the Division of State Lands within five days of receiving the complete application for the proposed partition. The Director shall notify the applicant of this action and explain that the location of the proposed partition within, or containing, wetlands may require a permit by state and/or federal agencies. The city may continue to process the application and proceed with a final decision to approve or deny it independent of the response from the Division of State Lands.

(Ord. 2000-437-E § 6(F))

10.32.070 Partition plan review criteria.

The plan shall be reviewed by the City Engineer, the Community Development Director and the Planning Commission, taking the following criteria into consideration:

A. Development of any remainder property under the same ownership may be accomplished in accordance with this division.

B. Adjoining land can be developed or is provided access that will allow its development in accordance with this division.

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

D. The location and design allows development to be conveniently served by various public utilities and emergency vehicles.

E. Any special features of the sites (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately identified, considered and utilized.

F. The proposal complies with the current city comprehensive plan and any applicable local and county ordinances and state and federal regulations.

The city may attach conditions of approval to a partition plan to ensure that the proposal will conform to the applicable review criteria outlined above. The Community Development Director shall provide the developer with written notice, including findings of the action within five days.

(Ord. 2000-437-E § 6(G))

10.32.080 Dedications required.

Right-of-way dedications shall be required on a partition plan as necessary, however, requirements for dedications or conditions imposed, shall not be greater than would be required if the tract were subdivided.

(Ord. 2000-437-E § 6(H))

10.32.090 Appeal of partition plan decision.

Appeal of the decision to approve, approve with conditions, or deny the partition plan can be made as by following the provisions of Sections 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals.

(Ord. 2000-437-E § 6(I))

10.32.100 Final partition plat.

Within one year after approval of the partition plan, the developer shall submit a final partition plat to the city, prepared by a licensed surveyor. However, if parcels created by the partition are in excess of ten (10) acres, a surveyed partition plat is not required, but is the option of the applicant. Final partition plats shall be in conformance with the initial plan as approved.

A. If the developer fails to submit the final plat to the city before the expiration of the twelve (12) month period following approval of the partition plan, the plan shall be deemed void, unless an extension is granted by the Commission prior to such expiration. Any request for an extension shall be submitted in writing to the Community Development Director stating the reasons for the requested extension.

B. The final partition plat shall be in a form prescribed by Chapter 10.28. The City Engineer may make exceptions to these requirements.

C. The Community Development Director and City Engineer shall review the final partition plat to ensure that it is substantially the same as it appeared on the approved tentative partition plan, and that there has been compliance with this division, the comprehensive plan and the zoning ordinance. The decision to approve, approve with condition, or deny the final partition plat shall be made by the City Community Development and/or Public Works Directors. Approval shall be indicated by the signature of same on the final plat.

D. Appeal of the decision on a final partition plat may be made as described in Section 10.32.090

(Ord. 2000-437-E § 6(J))

10.32.110 Filing requirements.

The developer shall file the approved plat with the Douglas County Clerk's office within ninety (90) days of the date of the city's approval. If a surveyed partition plat was not required, the partition shall be recorded with the County Clerk by a conveyance conforming to the approved partition parcels, and a partition deed. Approval of the partition by the city shall be null and void ab initio if the partition is not recorded within this time period. The developer must then file the recorded partition with the city. The partition is in effect when the recorded plat has been filed with the city.

(Ord. 2000-437-E § 6(K))

Chapter 10.36 CONSOLIDATION OF LOTS

Sections:

10.36.010 Scope and effect.

10.36.020 Application requirements.

10.36.030 Criteria for approval of consolidation of lots.

10.36.040 Signatures required.

10.36.050 Appeal of Director's decision.

10.36.060 Filing a consolidation.

10.36.070 Expiration of consolidation approval.

10.36.010 Scope and effect.

A consolidation of lots involves the creation of one unit of land (by combining two or more units of land) where more than one unit of land previously existed. Once recorded, the original property lines may not then be recovered except through a partition process. Approval of consolidations of lots is made by the Community Development Director as an administrative decision.

(Ord. 2000-437-E § 7(A))

10.36.020 Application requirements.

An application for the consolidation of lots consists of a letter of intent, signed by all property owners involved, stating the reason for the request and identifying the properties in question by assessor's map, tax lot number, and zoning designation. The letter shall be accompanied by the appropriate fee and a map showing the property lines before and after the proposed consolidation, the existing structures on the subject properties, and a description of the existing uses on each property. Incomplete applications shall be handled according to the rules outlined under Chapter 10.60.

(Ord. 2000-437-E § 7(B))

10.36.030 Criteria for approval of consolidation of lots.

The Community Development Director shall approve the consolidation if the proposal meets the following criteria:

The consolidated property configuration does not create a substandard condition relative to the applicable standards of this division, or the city's current comprehensive plan, and zoning ordinance, such as the placement of two single family dwellings on one lot where only one single-family dwelling per zone lot is allowed.

(Ord. 2000-437-E § 7(C))

10.36.040 Signatures required.

The Director shall sign the final map/legal description verifying that the requirements have been met.

(Ord. 2000-437-E § 7(D))

10.36.050 Appeal of Director's decision.

Appeal of the Director's decision may be made to the Planning Commission, pursuant to Section 10.60.080(E).

(Ord. 2000-437-E § 7(E))

10.36.060 Filing a consolidation.

The applicant shall file the approved consolidation with the County Clerk, and shall file one duplicate original print or exact copy of the recorded consolidation with the city.

(Ord. 2000-437-E § 7(F))

10.36.070 Expiration of consolidation approval.

The consolidation shall become null and void if not filed and recorded with the County Clerk within sixty (60) days of approval.

(Ord. 2000-437-E § 7(G))

Chapter 10.40 PROPERTY LINE ADJUSTMENTS

Sections:

10.40.010 Scope and effect.

10.40.020 Application requirements.

10.40.030 Criteria for approval of property line adjustments.

10.40.040 Survey requirements.

10.40.050 Approval and filing requirements.

10.40.010 Scope and effect.

The common property line between abutting properties may be relocated to add and remove land from the properties in accordance with the provisions of this section. No new lots or parcels may be created. Once a property line has been adjusted, the adjusted property line shall be the boundary or property line, not the original line. The Community Development Director, City Engineer and/or Planning Commission has the authority to approve a property line adjustment as an administrative decision.

(Ord. 2000-437-E § 8(A))

10.40.020 Application requirements.

An application for a property line adjustment consists of a letter of intent, signed by all property owners involved in the proposed adjustment stating the reason for the request. The letter shall be accompanied by the appropriate fee (as set by resolution of the City Council) and a map showing the following:

A. The scale, north point and date of map;

B. The assessor's map and tax lot number identifying each parcel involved in the adjustment;

C. A vicinity map locating the proposed line adjustment in relation to adjacent subdivisions, partitions and other units of land and roadways;

D. A plot plan showing the existing property lines of the lots or parcels affected by the property line adjustment and the location for the proposed property line adjustment. The plot plan shall also show:

1. The location, width, and purpose of any easements, and driveway access to public right-of-way, existing or proposed,
2. The location of all structures within ten (10) feet of the adjusted line,
3. The area, before and after the property line adjustment, of each parcel,
4. Existing and proposed utility services and stub locations including water, sanitary sewer, drainage, power, gas and telephone, as well as utility easements,
5. Adjacent rights-of-way with width shown.

E. Incomplete applications shall be handled according to the rules listed in Chapter 10.60

(Ord. 2000-437-E § 8(B))

10.40.030 Criteria for approval of property line adjustments.

The Community Development Director, City Engineer or Planning Commission shall approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

A. The property line adjustment does not create a new lot or a land-locked parcel;

B. All resulting lots or parcels must be no more substandard than the original lots or parcels with respect to minimum lot or parcel area, dimensions and building setback requirements for the given zone;

C. All adjustments shall occur within the given zone and shall not be permitted among differing zones;

D. The lot line adjustment shall not alter or impede the public right-of-way and shall have no affect on any easement;

E. The adjusted property configuration shall not create a substandard condition relative to the applicable standards of this division or the current city zoning ordinance;

F. Comply with all local, county, state and federal laws and regulations.

(Ord. 2000-437-E § 8(C))

10.40.040 Survey requirements.

A survey map that complies with ORS 209.250 shall be prepared for property line adjustments unless one of the following conditions would result:

A. The property line adjustment results in parcels that would be greater in size than ten (10) acres; or

B. The new property lines created by the property line adjustment would be parallel to the property lines before the adjustment.

The survey map shall show all structures within ten (10) feet of the adjusted line, and shall show established monuments marking the adjusted line. All monuments shown shall be placed in the ground by the surveyor and shall be a type approved by the City engineer.

(Ord. 2000-437-E § 8(D))

10.40.050 Approval and filing requirements.

Upon determination that the requirements of this chapter have been met, the Community Development Director shall advise the applicant in writing that the property line adjustment has been tentatively approved.

A. Within six months from the date of tentative approval, the applicant shall prepare and submit to the Community Development Director any survey map required by Section 10.28.040. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Community Development Director shall indicate final approval by endorsement upon the map or, if no map is required, written approval shall be granted.

B. Once city approval has been given, the applicant shall file the survey map, if such was required, with the County Surveyor's office. If no survey map was required, the line adjustment as approved by the city shall be filed with the County Recorder by deed. One copy of the survey map with the County Surveyor's filing information, or the document as recorded with the County Recorder, shall be filed with the city. The property line adjustment shall be in effect upon filing with the city.

C. Appeal of an administrative decision may be made to the Planning Commission pursuant to Section 10.60.080(E)).

(Ord. 2000-437-E § 8(E))

Chapter 10.44 ACCEPTANCE AND DEDICATION OF STREETS

Sections:

10.44.010 Written application required.

10.44.020 Procedure for street acceptance and dedication.

10.44.010 Written application required.

Any person desiring to submit a street for acceptance and dedication, other than those in a subdivision, shall make written application to the City Engineer. Such application shall be accompanied by a deed in favor of the city, in a form acceptable to the City Attorney, covering the area in question.

(Ord. 2000-437-E § 9(A) (part))

10.44.020 Procedure for street acceptance and dedication.

A. Upon receipt of a written application for acceptance and dedication, the City Engineer shall determine if the street is in compliance with the standards prescribed in Chapter 10.48, and with any applicable plat or map.

B. If the street in question does not comply with the design standards of Chapter 10.48, or any applicable plat or map, the City Engineer shall deny the application in writing, explaining this noncompliance. If the street in question does comply, the City Engineer shall refer the application to the City Council for acceptance and dedication.

C. If the street in question is in the urban growth area, the City Engineer shall follow the procedures set forth in the "Urban Growth Management Agreement" for the city of Reedsport and Douglas County.

(Ord. 2000-437-E § 9(A) (part))

Chapter 10.48 DESIGN STANDARDS

Sections:

10.48.010 Principles of acceptability.

10.48.020 Streets.

10.48.030 Blocks.

10.48.040 Building sites.

10.48.050 Grading of building sites.

10.48.060 Building lines.

10.48.070 Large building site.

10.48.080 Design standards for other improvements.

10.48.010 Principles of acceptability.

A land development shall conform to development plans already approved by the city, take into consideration any tentative plans made in anticipation of approval, and shall conform to the design standards as established by the city.

(Ord. 2000-437-E § 11(A))

10.48.020 Streets.

A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown on a development plan, plat or map, the arrangement of streets in a subdivision shall either:

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

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to solve a particular problem in which topographical, or other conditions, make continuance or conformance to existing streets impractical.

B. Design Standards. The design standards, as set forth in Table A, shall be used for all street designs within the City. The design standards shall include paved streets with such appurtenances as curbs, sidewalks, storm drainage, lighting and other amenities. Minimum dimensions and criteria are listed in the following table. Where existing conditions, such as topography or the size or shape of land parcels make it otherwise impractical to provide these minimum standards, the Planning Commission may make exceptions, in accordance with the variance procedure requirements as noted in this chapter.

C. Minimum Right-of-Way and Roadway Width. Unless otherwise indicated on an applicable plan, plat or map, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in Table A.

D. Emergency Vehicle Access. Access for emergency apparatus shall be per local fire code provisions.

E. Reserve Strips. Reserve strips or street plugs controlling the access to streets shall not be approved unless necessary for the protection of the public welfare or of substantial property rights, in which cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission on a case-by-case basis.

F. Alignment. As far as is practical, all streets, other than minor streets and cul-de-sacs shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred (100) feet.

G. Future Extensions of Streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the land development and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

H. Intersections. The intersections of more than two streets at one point shall be avoided wherever possible, unless there is a special intersection design approved by the City Engineer. Streets shall intersect one another at an angle as near to a right angle as possible. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the City Engineer.

I. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided by the developer at the time of the land development to provide adequate width.

J. Half Street. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of this division and when the Planning Commission finds it will be practical to require the dedication of the other half upon development of the adjoining property. Whenever a half street is adjacent to a tract to be divided or partitioned, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

K. Cul-De-Sac. Cul-de-sacs shall be as short as possible and should generally not exceed two hundred twenty (220) feet in length or serve more than twenty-five (25) dwelling units. A cul-de-sac shall terminate in a circular turnaround.

L. Street Names. All new streets shall be approved by the Planning Commission, and be named in accordance with existing street names and extensions and projections thereof within the city limits and the UGB. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with, the existing or platted street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.

M. Grades and Curves. Grades shall not exceed six percent on arterials, fifteen (15) percent on collector streets or twenty (20) percent on other streets. Centerline radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials or one hundred (100) feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas allowance shall be made for finished street grades having a minimum slope of at least 0.5 percent. In no case shall a street be designed with a twelve (12) percent or more grades, together with one hundred (100) feet or less radii measured on centerline.

N. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land development contains or is adjacent to a railroad right-of-way, a provision may be required for a street approximately parallel to and, on each side of such right-of-way, at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined, with due consideration at cross streets, by the minimum distance required for approach grades to a future grade separation and to provide sufficient depth for screen planting along the railroad right-of-way.

O. Marginal Access Streets. Where a land development abuts, or contains, an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear of side property line or other treatment, to provide adequate protection of residential properties and to afford separation of through and local traffic.

P. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Q. Street Access Through an Existing Subdivision. Whenever there is an existing, city-approved subdivision, access to streets within that subdivision from outside parcels shall not be allowed unless they have been planned, connect directly with arterial streets and are approved by the Planning Commission.

R. Through Streets. Where appropriate and practicable, through streets should generally be provided not more than five hundred (500) feet apart.

S. Pedestrian Connections. Where appropriate and practicable, pedestrian connections (sidewalks or pathways) should be provided not more than three hundred (300) feet apart

TABLE A

	Functional Class					
	4-Lane Arterial	3-Lane Arterial	Collector	Neighborhood	Local	Alley
Travel lane width	48 ft. (4×12 ft.)	24 ft. (2×12 ft.)	20 ft. (2×11 ft.)	20 ft. (2×10 ft.)	20 ft. (2×10 ft.)	20 ft. (2×10 ft.)
Center turn lane (optional)	14 ft.	14 ft.	N/A	N/A	N/A	N/A
On-street parking (8 ft.)	N/A**	N/A**	16 ft.	16 ft.	8 ft.	N/A
Bike lanes (6 ft.)	12 ft.	12 ft.	N/A*	N/A	N/A	N/A
Sidewalks (6 ft.)	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	N/A
Paved width	74 ft.	50 ft.	36 ft.	36 ft.	28 ft.	20 ft.
Utility easement	N/A	N/A	10 ft. 2×5′	10 ft. 2×5′	10 ft. 2×5′	
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	6%	6%	15%	15%	20%	20%

Minimum center line radius	400 ft.	400 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Minimum angle of street intersections	80º	80º	80º	80º	80º	80º
Minimum distance between street intersections (same side)	400 ft.	400 ft.	300 ft.	300 ft.	200 ft.	N/A
Minimum distance between street intersections (opp. side)	300 ft.	300 ft.	200 ft.	200 ft.	100 ft.	N/A
Minimum right-of-way width	102 ft.	78 ft.	70 ft.	58 ft.	50 ft.	20 ft.

Notes:

* Six-foot bike lanes on each side of the street are not required unless traffic volumes exceed 5,000 vehicles a day.

** On-street parking on state highways is regulated by ODOT, not the City of Reedsport. "Business district" cross sections include on-street parking paved width.

(Ord. 2006-1057; Ord. 2000-437-E § 11(B))

10.48.030 Blocks.

A. General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Size: No block shall be more than one thousand (1,000) feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception as determined by the Planning Commission. The recommended minimum length of block along an arterial street is one thousand eight hundred (1,800) feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception as determined by the Commission.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated. The easement shall be at least sixteen (16) feet wide and either centered on lot or parcel lines, or street right-of-way.

2. Watercourses. If a land development is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided to the city, a stormwater easement or drainage right-

of-way conforming substantially with .the lines of the watercourse, and such further width as will be adequate for the purpose. Streets parallel to the major watercourse may be required.

3. Sidewalks and Bikeways. When desirable for public convenience, a sidewalk or bikeway may be required to connect to a cul-de-sac, to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation for bicycle and/or pedestrian traffic.

(Ord. 2000-437-E § 11(C))

10.48.040 Building sites.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land development and the type of use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. Where property is zoned and planned for business or industrial use, other standards may be permitted at the discretion of the Planning Commission.

2. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use.

B. Access. Each lot and parcel shall abut upon a public street other than an alley for a width of at least twenty-five (25) feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide, across which there shall be no right of access (except for routine utility maintenance), may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practical, shall run at right angles to the street upon which they face. Lot lines which are radial to curved streets shall be so indicated on applicable plans, plats, or maps.

(Ord. 2000-437-E § 11(D))

10.48.050 Grading of building sites.

Lot grading shall conform to the city grading excavation and fill ordinance No. 538, Uniform Building Codes, current Reedsport zoning ordinance, and/or Uniform Building Code and amendments thereto.

(Ord. 2000-437-E § 11(E))

10.48.060 Building lines.

If building setback lines, other than those required by the current zoning ordinance in effect at the time of the application, are to be established in a land development, they shall be shown on the tentative or partition plan.

(Ord. 2000-437-E § 11(F))

10.48.070 Large building site.

When dividing tracts into large lots or parcels, which in the future are likely to be re-divided, the Planning Commission on a case by case basis may require that the blocks to meet size and shape regulations. Under these regulations, the blocks may be divided into building sites with restrictions which provide for the extension and opening of streets at intervals which will permit a subsequent land development of any tract into lots or parcels of similar size.

(Ord. 2000-437-E § 11(G))

10.48.080 Design standards for other improvements.

Standards of design for other improvements, including but not limited to, sidewalks, streetlights, storm drains and appurtenances, fire hydrants, sanitary sewer and appurtenances, domestic water systems, and underground utilities, shall comply with adopted city specifications and applicable state and/or federal regulations.

(Ord. 2000-437-E § 11(H))

Chapter 10.52 IMPROVEMENTS

Sections:

10.52.010 Agreement for improvements.

10.52.020 Bond.

10.52.030 Improvement procedure.

10.52.040 Specifications for improvements.

10.52.050 Improvements in land development.

10.52.060 Improvements in partitions.

10.52.010 Agreement for improvements.

Before the Planning Commission approves a final subdivision plat or partition map, the developer shall either:

A. Install the required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or

B. Execute and file an agreement with the City Recorder between the developer and the city, specifying the period within which the required improvements and repairs shall be completed. This agreement shall provide that, if the work is not completed within the specified period, the city may complete the work and recover the full cost and expense of that work, together with court costs and attorney fees necessary to collect the amounts from the developer on trial or appeal, together with interest from the time of the city's expenditure of funds until repaid in full.

(Ord. 2000-437-E § 10(A))

10.52.020 Bond.

A. Type of Security. The developer shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

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. Cash, certified check, time deposit certificate and/or savings account assigned to the city.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the total cost of the improvements and repairs, including related engineering and incidental expenses, and the cost of city inspection.

C. Default Status. If the developer fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall utilize the securities listed in Section 10.52.010 and this section to recover such unreimbursed costs or expenses. If the amount of the securities exceeds costs and expense incurred by the city, it shall release the remainder. If the amount of the securities is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference and, upon demand, pay all sums due to the city forthwith.

(Ord. 2000-437-E § 10(B))

10.52.030 Improvement procedure.

In addition to other requirements of this division, improvements installed by a developer, either as a requirement of these regulations or at the developer's own option, shall conform to the following procedures:

A. Plan Preparation. The developer shall retain the services of an engineer, registered in Oregon, to prepare the plans required to construct the proposed improvements.

B. Plan Approval. Improvement work shall not commence until plans have been checked for adequacy and approved by the city in writing. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a land development.

C. City Notification. Improvement work shall not commence until after the city is notified in writing and if work is discontinued, for any reason, it shall not be resumed until after the city is again notified in writing.

D. Inspection.

1. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

2. The developer shall retain the engineer, who prepared the improvement plans, to provide full inspection services during all phases of construction unless a change of engineers is approved in writing by the City Engineer. The inspector shall be on the job site whenever work on the improvements is proceeding. Failure to provide the required inspection may result in nonacceptance of the improvements by the city.

E. Utilities. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed at a length obviating the necessity for disturbing the street improvements when service connections are made.

F. As-Built Plans. A map showing public improvements as-built shall be filed with the City Engineer upon completion of the improvements.

G. Plan Changes. Any changes in approved plans during construction must be approved by the City Engineer in writing before construction may continue.

(Ord. 2000-437-E § 12(A))

10.52.040 Specifications for improvements.

Specifications shall be prepared for the design and construction of required public improvements and other public facilities a developer may elect to install. The City Engineer must approve such specifications prepared by the developer to supplement the standards of this division based on engineering standards appropriate for the improvements concerned.

(Ord. 2000-437-E § 12(B))

10.52.050 Improvements in land development.

The following improvements shall be installed at the expense of the developer and at the time of land development.

A. Streets. All public streets, including alleys, within the land development shall be improved to city standards. Unimproved streets adjacent to the land development, which the City Engineer determines will be used as access to the land development, shall also be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and all points of tangency of their center lines. Street grades shall be established before any improvement construction is begun.

B. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land development and to connect the land development drainage to drainage ways or storm sewers outside the land development. Designs of drainage shall be in accordance with the standards established by the city, and shall allow for the extension of the system to serve other areas. The developer shall submit detailed drainage calculations. On site storm water retention facilities may be required to limit storm water discharges to those in an undeveloped state for that particular development.

C. Sanitary Sewers shall be installed to serve the land development with designs approved by both the Department of Environmental Quality and the City Engineer. Designs shall take into account the capacity and grade to allow for desirable extension beyond the land development.

D. Water System. Water lines and fire hydrants serving each building site in the land development and connecting the land development to existing water mains shall be installed. The design shall take into account provisions for extension beyond the land development.

E. Sidewalks. Shall be installed on both sides of all streets, as well as in any special pedestrian ways within the land development, which the Planning Commission determines are required.

F. Bikeway Routes. If appropriate to the extension of a system of bikeway routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. Street Name Signs. Upon completion of streets, street name signs shall be installed by the developer, at his/her expense. In residential areas, one set of signs shall be installed at each intersection. In commercial or industrial areas, and on arterials, two sets of signs shall be installed on diagonally opposite corners of each intersection.

H. Street lights shall be installed and shall be served from an underground supply source. The city shall arrange for the installation. The cost of street lights, other than standard wood pole residential lights, shall be paid by the developer.

I. Other. The developer shall make necessary and reasonable arrangements with utility companies, or other persons or corporations affected, for the installation of underground lines and facilities. Electrical lines and other wires including, but not limited to, communication, street lighting and cable television, shall be placed underground.

J. Dedication and Preservation of Public Land. The subdivider shall pay to the city for public park and recreation purposes one hundred dollars ($100.00) per lot within the plat. These funds will be used for improvement and maintenance of existing public parks.

(Ord. 2000-437-E § 12 (C))

10.52.060 Improvements in partitions.

The same improvements shall be installed to serve each building site of a partition as is required of other subdivisions. However, if the Commission finds that the nature of development in the vicinity of the partition makes installation of some improvement unreasonable, the Commission may grant a variance. In lieu of granting a variance, the Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

(Ord. 2000-437-E § 12(D))

Chapter 10.56 EXPEDITED LAND DIVISIONS

Sections:

10.56.010 Expedited land division defined.

10.56.020 Application procedure.

10.56.030 Appeals.

10.56.010 Expedited land division defined.

An "expedited land division" is an action of the Planning Commission that:

A. Involves land zoned and used exclusively for residential and accessory purposes within the urban growth boundary;

B. Does not involve land designated for full or partial protection of natural features under statewide planning goals;

C. Satisfies minimum street or other right-of-way standards;

D. Creates enough lots or parcels to meet or exceed eighty (80) percent of the maximum density standard;

E. Creates three or fewer parcels.

It is not a land use decision or a limited land use decision. An expedited land division is based on clear objective standards and is applicable to land division and planned unit division standards that regulate the physical characteristics of permitted uses, the dimensions of lots or parcels to be created, and necessary facilities and services.

(Ord. 2000-437-E § 14 (part))

10.56.020 Application procedure.

A. Upon receipt of a completed application for an ELD, the Planning Commission shall provide notice to affected state agencies, local governments, special service districts, recognized neighborhood or community organizations and property owners within one hundred (100) feet.

B. Written comments will be accepted for a fourteen (14) day calendar period prior to the decision. No hearing may be held on the application.

C. A written decision must be rendered within sixty-three (63) days of receipt of a completed application. After seven days notice to the applicant, the governing body may take action at a regularly scheduled meeting to extend the sixty-three (63) day period to a period not to exceed one hundred twenty (120) days.

(Ord. 2000-437-E § 14(A))

10.56.030 Appeals.

A. An appeal must be filed with the Planning Director within fourteen (14) days of the mailing of the decision and shall be accompanied by a three hundred dollar ($300.00) deposit for costs.

B. The applicant or any person or organization, who filed written comments prior to the decision may file an appeal.

C. A referee shall be appointed to decide the appeal. Within seven days of appointment the referee shall notify all related parties of the hearing. At the hearing the referee may hear evidence not previously presented to the Planning Commission.

D. If the referee determines the application does not qualify as an expedited land division he/she may remand the decision. In all other cases the referee is to identify means by which the application can meet the applicable requirements. In cases where the applicant materially improves his/her position, the referee shall order a refund of the deposit.

E. The Land Use Board of Appeals does not have jurisdiction to consider appeals of expedited land divisions. Appeals of the referee's decision shall proceed directly to the Court of Appeals.

(Ord. 2000-437-E § 14(B))

Chapter 10.60 ADMINISTRATIVE PROVISIONS

Sections:

10.60.010 Variance application.

10.60.020 Planning commission action on variance.

10.60.030 Minor variance.

10.60.040 Amendments.

10.60.050 Fees.

10.60.060 Public hearing procedures.

10.60.070 Time limit for city decision.

10.60.080 Procedures for administrative decisions.

10.60.090 Procedures for limited land use decisions.

10.60.100 Procedures for land use decisions.

10.60.110 Violation—Penalty.

10.60.120 Violation—Alternative remedy.

10.60.130 Violation—Procedure.

10.60.010 Variance application.

The Commission may authorize variances to requirements of this division. Application for a variance shall be made by a petition of the developer, stating fully the grounds of the application. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances are considered:

A. Exceptional Circumstances. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this division, has had no control.

B. Preservation of Property Right. The variance is necessary for the preservation of a property right of the applicant that is substantially the same as owners of other property in the same vicinity possess.

C. Not Detrimental. The variance would not be materially detrimental to the purposes of this division, or to property in the same vicinity in which the property is located, and would not otherwise conflict with the objectives of any applicable laws or regulations.

D. Minimum. The variance requested is the minimum variance, which would alleviate the hardship.

(Ord. 2000-437-E § 13(A))

10.60.020 Planning commission action on variance.

In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted, or denied, and the conditions designated. The city shall keep the findings as a matter of public record. A variance request shall follow the procedures set forth in this division for land use decisions.

(Ord. 2000-437-E § 13(B))

10.60.030 Minor variance.

In the public interest, the Community Development Director and/or City Engineer may consider and render a decision on a minor variance as an administrative decision, per the requirements of this division. Such minor variances shall be limited to those requirements which are qualified in this division, and in no case shall be more than ten (10) percent of any such requirement.

(Ord. 2000-437-E § 13(C))

10.60.040 Amendments.

An amendment to this division may be initiated by the City Council, the City Planning Commission or by application of a property owner and shall follow the standards, public hearing procedures, record of amendments and limitation of reapplication as set forth in Sections 10.188.020 through 10.188.050.

(Ord. 2000-437-E § 13(D))

10.60.050 Fees.

A. Filing fee shall be as set by the latest revision of Ordinance 593 (see Appendix to this title).

B. Inspection Fee. An inspection fee, no part of which is refundable, shall be submitted to the City Engineer in the amount not to exceed five percent of the estimated cost of anticipated improvements, with such estimation to be determined in accordance with Sections 10.52.010 and 10.52.020. The inspection fee shall be paid in full prior to the commencement of any construction within approved tentative plans or final plats.

(Ord. 2000-437-E § 13(E))

10.60.060 Public hearing procedures.

Public hearing procedures will be the same as outlined in Chapter 10.196 and Section 10.52.100.

(Ord. 2000-427-E § 13(F))

10.60.070 Time limit for city decision.

The city shall render a decision regarding all land use applications within its control within one hundred twenty (120) days of receipt of a complete application. The applicant may submit a written request for an extension on a land use decision or action beyond the one hundred twenty (120) day limit.

A. Applications. All plans, documents, and applications submitted under this division shall be checked for completeness by the Community Development Director who shall notify the applicant in writing of any missing materials within thirty (30) days of the receipt of the application, plan or document.

B. Incomplete Applications. The application shall be deemed complete upon receipt of the missing materials. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of the one hundred twenty (120) day time limit for the land use decision on the thirty-first day after the government body first received the application.

C. Concurrent Processing. Any application applied for under this division and under the zoning ordinance for one development shall be processed concurrently if requested by the applicant. For each action the appropriate fee shall be paid.

(Ord. 2000-437-E § 13(G))

10.60.080 Procedures for administrative decisions.

Applications for the following actions under this division shall be reviewed as administrative decisions: variances, consolidations of lots, property line adjustments and time extensions for tentative plats.

A. Applications received by the Community Development Director for these actions shall be reviewed for completeness as outlined in the appropriate sections of this division.

B. The Community Development Director or City Engineer shall review all complete applications for actions requiring administrative review under this division. As per ORS Chapter 92 such decisions may be referred to the Planning Commission as appropriate.

C. In rendering a decision for approval, approval with conditions, or denial of an application, the approval/review criteria outlined in this division shall be utilized. Any administrative decision shall be referenced to applicable review criteria.

D. All decisions must be made in writing and signed by the Director to be effective. Notice of the decision shall be sent to the applicant and to the Planning Commission within five days of the date of the decision. Such notice shall contain an explanation of the right to appeal the decision.

E. Appeal of any administrative decision by the Community Development Director or City Engineer made under this division may be made to the Planning Commission. Written notice of the appeal must be filed with the city within ten (10) days after the decision is made. The notice of appeal shall state the date of the decision, the exact nature of the decision or requirement, and the grounds for the appeal. Appeals may only be made by the applicant or any member of the Planning Commission. If no appeal is filed, the decision becomes final on the eleventh day after the date the decision was made.

(Ord. 2000-437-E § 13(H))

10.60.090 Procedures for limited land use decisions.

Applications for the following actions under this division shall be reviewed as limited land use decisions: subdivision tentative plan and final plat; partition tentative plan and final plat.

A. Applications received for these actions shall be reviewed for completeness by the Community Development Director and distributed to the City Engineer, Fire Marshal and Fire Chief for review and comment.

B. Notice of all applications to be processed as limited land use decisions under this division shall be made to all property owners within one hundred (100) feet of the exterior boundaries of the applicant property, as determined by the latest tax assessment roll. Notice shall also be mailed to any recognized neighborhood organization which includes the applicant property within its boundaries. This notice shall contain the following information:

1. The applicant property shall be identified by address, or other appropriate manner and the nature of the application shall be stated.

2. A fourteen (14) day period must be specified for which written comments may be submitted pertaining to the application. The place, date and time that comments are due must be stated.

3. The notice must state that citizens must raise an issue in writing during this fourteen (14) day period or lose the right to appeal the issue.

4. The notice must summarize the decision making process, and list the criteria within this division that shall be used in the decision of the city regarding the application.

5. The name and phone number of a local government contact person must be provided.

6. The notice must also state that copies of all documents related to the decision are available from City Hall to interested parties.

C. The limited land use decision on the application shall be made by the Planning Commission at a regularly scheduled meeting within thirty (30) days of receipt of the complete application by the city.

D. The decision shall be made to approve the application, deny the application, or approve with conditions as may be necessary to carry out the purposes of this division. The decision shall be made by applying the criteria outlined in the appropriate section of this division.

E. Approval or denial shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.

F. Notice of the decision shall be sent to the applicant and to all citizens who submitted comments. Notice of the decision must include an explanation of appeal rights.

G. Appeal of the decision of the Planning Commission may be made by following the provisions of 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals.

(Ord. 2000-437-E § 13(I))

10.60.100 Procedures for land use decisions.

Decisions on the adoption, amendment or application of land use regulations, planning goals, provisions of the Comprehensive Plan or determinations of state agencies shall be conducted as land use decisions. The Planning Commission shall be the deliberating body and shall conduct the land use decision acting in a quasi-judicial capacity. A public hearing shall be required for all land use decisions. Notice of the public hearing and procedures for the public hearing shall meet ail requirements for quasi-judicial decisions, as set forth in ORS 197.763.

A. Following the receipt of an application to be processed as a land use decision under this division, the Community Development Director shall determine if all information is complete, following the provisions of Section 10.60.080

B. Following a determination that the application is complete, the Community Development Director shall schedule a public hearing before the Planning Commission to review the application. The public hearing shall be scheduled within thirty (30) days of receiving the complete application.

C. Notice of the public hearing shall be given to the City Recorder following the provisions of the Section 10.196.030.

D. Submission of evidence, staff report, continuance/record, and burden of proof shall all follow the provisions of Sections 10.196.040 through 10.196.070

E. Order of the procedure for the public hearing shall follow the provisions of Section 10.196.080.

F. The action of the Planning Commission in making the land use decision may be to approve the application as submitted, to deny the application, or approve the application with such conditions as may be necessary to carry out the city's comprehensive plan and ordinances. In the case of amendments, Planning Commission shall make a recommendation for approval or denial to the City Council.

G. Written notice of the decision shall be given to all parties in the proceedings within ten (10) days of the decision.

H. Appeal of the Planning Commission decision may be made by following the provisions set forth in Sections 10.192.010 and 10.192.020.

(Ord. 2000-437-E § 13(J))

10.60.110 Violation—Penalty.

A person violating a provision of this division shall, upon conviction, be punished by imprisonment for not more than sixty (60) days or by fine of not more than five hundred dollars ($500.00) or both. A violation of this division shall be considered a separate offense for each day the violation continues.

(Ord. 2000-437-E § 15(A))

10.60.120 Violation—Alternative remedy.

In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or in case land is, or is proposed to be, developed in violation of this division, the building or land shall constitute a nuisance. The city may, as an alternative to other legal remedies available for enforcing this division, institute an injunction, mandamus, abatement or other appropriate proceeding to prevent, temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(Ord. 2000-437-E § 15(B))

10.60.130 Violation—Procedure.

A. Within ten (10) days after notification of a violation of this division, the City Manager or his designated representative shall notify the property owner that such a violation exists.

B. Where the violation does not involve a structure, action to rectify such violation shall be completed within thirty (30) days by the violator.

C. Where the violation involves a structure, action to rectify such shall be completed within sixty (60) days by the violator.

D. If no action has been taken to rectify the violation within the specified time, the City Manager, or his designated representative, shall notify the City Attorney, or his designated representative, of such law, of corrective action.

E. The City Attorney shall set the date for a hearing with the person violating this division and the City Manager to consider whether subsequent legal action should be taken to rectify the violation. If necessary, the City Attorney shall take such legal action as required to insure compliance with this division.

(Ord. 2000-437-E § 15(C))

DIVISION III. ZONING

Chapter 10.64 - INTRODUCTORY PROVISIONS

Chapter 10.68 - ESTABLISHMENT OF ZONES

Chapter 10.72 - USE ZONES

Chapter 10.76 - SPECIAL PROVISIONS AND REGULATIONS

Chapter 10.80 - SUPPLEMENTARY PROVISIONS FOR ESTUARINE AND SHORELAND AREAS

Chapter 10.84 - EXCEPTIONS

Chapter 10.92 - VARIANCES

Chapter 10.96 - CONDITIONAL USE

Chapter 10.100 - AMENDMENTS

Chapter 10.104 - APPEALS

Chapter 10.108 - ADMINISTRATIVE PROVISIONS

Chapter 10.112 - PUBLIC HEARING PROCEDURES

Chapter 10.116 - REMEDIES

Chapter 10.64 INTRODUCTORY PROVISIONS

Sections:

10.64.010 Title.

10.64.020 Purpose.

10.64.030 Definitions.

10.64.010 Title.

This division shall be known as the Reedsport zoning ordinance and shall consist of the text hereof and a map entitled, "Reedsport Zoning Map" (amended March 1, 1999), and identified by the approving signature of the Mayor as attested by the City Recorder.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.64.020 Purpose.

The following regulations for the zoning of land within the city are hereby adopted to promote and protect the public health, safety and general welfare.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.64.030 Definitions.

For the purpose of this division, certain words, terms and phrases are defined as follows:

Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this division" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

"Access" means the right to cross between public and private property.

"Accessory dwelling unit" means a subordinate dwelling unit which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, cooking,

eating and sanitation on the same lot or parcel as the primary dwelling unit and which is incidental to the main use of the property. In no case shall the accessory dwelling unit exceed in area, extent or purpose, the principal lawful use of the main structure or land.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

"Administrative decision" means a decision made by the Planning Director or designated staff with public notice and an opportunity for a public hearing. The appeal of an administrative decision is heard by the Planning Commission.

"Alley" means a public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Apartment House. See "dwelling, multifamily."

"Assembly" or "meeting hall" means a building owned used for social, organizational, ecumenical, business or educational purposes.

"Assisted living facility" means a program, within a prescribed physical structure, which provides or coordinates a range of supportive personal and health services, available on a twenty-four (24)-hour basis, for the support of residents living independently in a residential setting.

"Auto wrecking yards (junk yards)" means premises used for the storage or sale of used automobile parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, machinery or parts thereof.

"Basement" means a story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (½) of its height is above the average level of the adjoining ground.

"Bed and breakfast" means an accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which (1) an onsite manager/owner resides in the dwelling; (2) no more than three (3) guest bedrooms, with no more than six (6) guests, are provided on a daily or weekly period; (3) not to exceed thirty (30) consecutive days for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

"Benthic" means living on or within the bottom sediments in water bodies.

"Boarding and/or rooming house" means a building where lodging, with or without meals, is provided for compensation, but shall not include homes for the aged, nursing homes or group care homes.

"Building" means a structure or a mobile home built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection according to the uniform building code standards.

"Building coverage" means the usable floor area under the horizontal projection of any roof or floor above, excluding eaves.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

"City" means the city of Reedsport, Oregon.

"Cluster Box Unit (CBU)" means a free-standing mailbox unit, with multiple, locked mailboxes, parcel lockers, and potentially a slot for mail collection that can only be accessed by the postal service and the persons who have a key to their mailbox.

Exclusion: This definition does not include CBUs on private property that comply with the property development standards of the zoning district, nor does it include individual, residential mailboxes that are grouped together.

"Commission" means the City Planning Commission of the city of Reedsport, Oregon.

"Community building" means a publicly owned and operated facility used for meetings, recreation or education.

"Community Development Planner" means the administrative official of Reedsport Planning Department or their duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

"Common open space" means an area within a development designed and intended for the use or enjoyment of all residents of the development or for the use or enjoyment of the public in general.

"Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of the city of Reedsport that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

"Condominium" means land, whether leasehold or in fee simple, and all buildings, improvements and structures thereon where the ownership of such land is shared undivided interests except for exclusive and separate ownership or right of residency of each residential unit located on the land. "Condominium" shall include all property subject to the provisions of ORS 94.004 through 94.480.

"Conflict of interest" means when a personal bias or prospect of personal gain prevents a member of some public body from carrying out the purposes of that body in a fair and objective fashion, Oregon Law requires that a Planning Commissioner not take part in a decision in which he or she may have such a conflict, reference ORS 244.135 regarding cities.

"Country club" means a club organized and operated primarily for social indoor and outdoor recreation purposes, including incidental accessory uses and structures.

"Day care facility/nursery school" means any institution, establishment or place which provides care to three (3) or more children for periods of less than twenty-four (24) hours.

Dwelling, Multifamily. "Multifamily dwelling" means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-family. "Single-family dwelling" means a detached building containing one (1) dwelling unit and designed for occupancy by one (1) family only.

Dwelling, Two-family (Duplex). "Two-family (duplex) dwelling" means a single structure containing two (2) dwelling units with a common wall and/or a common roof existing on a single lot or parcel and designed for occupancy by two (2) families.

"Dwelling unit" means one (1) or more rooms in a building that are designed for occupancy by one (1) family and that have not more than one (1) cooking facility, but not including space in a mobile home or in a structure or vehicle designed for camping or other temporary occupancy such as a tent or vacation vehicle.

Dwelling units with attached accessory uses, such as RV garages or shops, shall be constructed of the same material as the area designed for occupancy. If an attached accessory use exceeds forty (40) percent of the overall floor area of the structure, the developer shall insure that any portion of the building visible from a public road is designed in such a manner that the accessory use is not apparent to the traveling public [e.g., garage doors located on the side of the building, parapets and facade improvements to the area of the structure that contains the accessory use are designed to mimic the area intended for occupancy (plantings and screening are not approved forms of mitigation)].

"Easement" means a grant of the right to use a strip of land for specific purposes.

"Ex parte contact" means private meetings or discussions between a member of a reviewing body and a person or persons who have some interest in a case to be heard by that body.

Oregon law doesn't forbid such contact but requires that decision makers disclose them publicly. ORS 227.180 is the pertinent statute for cities.

"Family" means an individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen and providing meals or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one (1) housekeeping unit using one (1) kitchen.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof constructed and/or planted in such a way as to effectively screen the particular use from view.

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

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

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

Grade, Ground Level. "Ground level grade" means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

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

Home occupation, minor. "Minor home occupations" are professions that are secondary to the main use of a structure as a dwelling and meet the following standards:

A. The home is used as a place of work, only by the residents;

B. Customers contacts shall be primarily by telephone, internet, mail or in the client's home or place of business;

C. The business is conducted within not over twenty-five (25) percent of the floor area of the dwelling;

D. No structural alteration including the provision of an additional entrance is necessary to accommodate the home occupation, unless required by law. Such alterations shall not detract from the outward appearance of the property as a dwelling;

E. No window displays and no sample commodities are displayed outside the dwelling;

F. Deliveries to the home occupation shall be made only by vehicles normally associated with residential delivery service, such as UPS, FedEx, USPS, and similar vehicles. No materials or commodities shall be delivered to or from the property in such bulk that require delivery by a commercial vehicle or trailer;

G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists;

H. There shall be no outside storage of any kind related to the home occupation;

I. No dwelling shall be used as headquarters for the assembly of employees for instruction or other purpose, or for dispatch for work at other locations; and

J. The renting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither or whom is a transient.

Home occupation, major. "Major home occupations" exceed the limits of a minor home occupation are considered major. Major home occupations are secondary to the main use of a structure as a dwelling and meet the following criteria:

A. All business operations are conducted within either:

1. A accessory structure of not over five hundred (500) square feet, or
2. Not over twenty-five (25) percent of the floor area of a dwelling;

B. If retail sales are offered, sales must be accessory to the primary service (e.g., hair care products in conjunction with a hair salon);

C. Adequate, off street parking is provided as prescribed in Section 10.76.020

D. Schools of specialized education do not exceed four (4) pupils at any given time;

E. No window displays and no sample commodities are displayed outside the dwelling;

F. Deliveries to the home occupation shall be made only by vehicles normally associated with residential delivery service such as UPS, FedEx, USPS, and similar vehicles. No materials or commodities shall be delivered to or from the property in such bulk that require delivery by a commercial vehicle or trailer;

G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists; and

H. There shall be no outside storage of any kind related to the home occupation.

"Hospitals" means institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.

"Hotel" means a building which is designed, intended or used for the accommodation of tourists, transients and permanent guests for compensation.

"Kennel" means a lot or premises on which three (3) or more dogs, cats or other small domesticated animals over the age of four (4) months are kept commercially for board, propagation, training, sale or lease.

"Kitchen" means any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

"Landscaping" means the placement of trees, grass, bushes, shrubs, flowers and garden areas, but may also include the arrangement of foundations, patios, decks, street furniture and ornamental concrete or stone walk areas and artificial turf or carpeting.

"Legislative decision" means matters involving the creation, revision or large scale implementation of public policy, zone changes and comprehensive plan amendments which apply to entire districts. Legislative decisions are initially considered by the Planning Commission with the final decision being made by the City Council.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other purposes.

"Loading space" means an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Lot" means a parcel of land of a least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage of a public street or easement approved by the Planning Commission or City Council. A lot may be:

A. A single lot of record;

B. A combination of complete lots of record, or complete lots of record and portions of lots of record;

C. A parcel of land described by metes and bounds; provided that in case of division there shall have been approval given to said division by the Commission under the conditions set forth in the Reedsport subdivision ordinance.

"Lot area" means the total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.

Lot, Corner. "Corner lot" means a lot abutting on two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Coverage. "Coverage lot" means the total horizontal area within the vertical projection of the exterior walls of the buildings on a lot expressed as a percentage of the lot area.

"Lot frontage" means the front of a lot shall be construed to be the lot line nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

Lot, Interior. "Interior lot" means a lot other than a corner lot with only one (1) frontage on a street.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the lot line or lines common to the lot and a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

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

"Lot of record" means a lot created prior to the effective date of the ordinance codified in this division as shown as a lot on a final plat of a recorded subdivision.

A parcel of land described by metes and bounds in a deed, record of survey or other appropriate document, recorded in the office of the County Clerk prior to the effective date of the ordinance codified in this division, the creation of which was not in violation of any state statute or city ordinance.

Any lot created pursuant to the Reedsport subdivision ordinance within a subdivision for which a preliminary plat has been approved by official Planning Commission or action pursuant to said subdivision ordinance prior to the effective date of the ordinance codified in this division.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

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

"Manufactured dwelling" means:

A. Residential trailers constructed before January 1, 1962; and

B. Mobile homes constructed between January 1962 and June 15, 1976, which met Oregon construction requirements then in effect.

"Manufactured home" means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

"Manufacturing" means establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to their industrial users but may include direct sale to consumers.

"Marina" means public or private piers, docks, boat launching and moorage facilities used for both commercial and pleasure craft, including fueling and other similar service activities, but not including industrial activities.

"Medical services" means establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentist, nurses and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations or detoxification centers.

"Ministerial decision" means decisions made by the Planning Director or designated staff where there is clear and objective criteria and the decision requires no use of discretion. These decisions are made without public notice or public hearing.

"Mini-warehouse/storage units" means a structure or structures divided into units, used only for storage of goods by an individual or business on a rental basis.

"Mitigate" means to provide measures which will enable an estuarine area to develop similar flora and fauna to compensate for areas where intertidal marshes are filled.

"Mobile home" means a vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.

"Mobile home park" means a mobile home park is a lot, tract or parcel with four (4) or more spaces for rent within five hundred (500) feet of one (1) another.

"Motel" means a building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

"Motor vehicle" means motor vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Nonconforming lot of record" means a parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirement for the zoning district in which it is located.

"Nonconforming structure" means a structure or portion thereof, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance:

A. No longer conforms to the setback, height, maximum lot coverage or other building development requirements of this ordinance; or

B. Is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

"Nonconforming use" means use of structure or land or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance no longer conforms to the use requirements for the zoning district in which it is located.

"Nursing home" means a public or private establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves properly.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the

temporary storage of one (1) automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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

"Planned unit development" means the development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space, to the regulations otherwise required by the ordinance codified in this division.

"Planning Commission" means the Planning Commission of Reedsport, Douglas County, Oregon.

"Professional office" means the place of business of a person engaged in a profession such as, but not limited to: accountant, architect, artist, attorney-at-law, doctor or practitioner of the human healing arts.

"Public utility" means any corporation, company, individual, association of individuals or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly, to the public.

"Quasi-judicial" means decisions made by the Planning Commission after public notice and a public with appeals to the City Council.

"Recreation vehicle" means a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle which is intended for human occupancy and is designated for vacation or recreation purposes but not residential use.

"Recreation vehicle park" means a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

"Residential care facility" means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related to each other or to any resident of the residential facility. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to other residents of the residential facility.

"Residential care home" means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

"Residential quarters as a secondary use." Unless otherwise specified in this division, residential quarters as a secondary use means a single family dwelling unit that is ancillary to a city authorized business, which has been in operation for more than thirty (30) days and meets one (1) of the following:

A. Residential use above ground floor commercial is considered a secondary use; or

B. Residential use on the ground floor may be allowed as a secondary use only if all of the following standards are met:

1. At least sixty (60) percent of the total gross floor area of the ground floor shall be dedicated to commercial use;

2. Buildings facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five (25) feet of the building facing the street(s);

3. Residential use on the ground floor cannot face the street;

4. Must have a separate entrance from the commercial use;
5. A partition wall (with or without doorway) shall separate the residential use from the commercial use;
6. There is no indication from the exterior of the ground floor that a residential use is inside (e.g., lawn/patio furniture, personal use BBQ, etc); and
7. In the downtown (i.e., between 3rd and 6th Street) vehicles in conjunction with a residential use shall not park on Highway 38, except temporarily, to load or unload items.

"Resource capability" means the degree to which a natural resource can be physically, chemically or biologically altered or otherwise assimilate an external use and still function to achieve the purposes of the management unit in which it is located.

Resource Capabilities Test.

A. Natural Management Unit. A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values for scientific research and education.

B. Conservation Management Unit. A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

"Restore" means revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

Active restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Passive restoration is the use of natural processes, sequences and timing of which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

"Retail sales" means the sale or rental of commonly used goods and merchandise for person or household use. Typical uses include department stores, apparel stores, furniture stores, hardware stores or florists.

"Retirement home" means a private or public establishment for elderly persons who are self-sufficient.

"Riparian vegetation" means vegetation situated on the edge of the bank of the river or other body of water which contributes to the water quality of controlling erosion of the banks and lowering temperature levels of the water.

"Row houses" means a series of individual houses having architectural unity and a common wall between each unit.

"School" means any institution for learning, whether public or private, meeting state of Oregon accreditation standards.

"Seasonal or special event." Seasonal or special event means a use associated with the sale of goods for a specific holiday, activity or celebration, or uses operated in conjunction with an established full-time business operating from a permanent structure.

"Service station" means that part of any lot used in the normal course of business for the retail sale of motor vehicle fuel and lubricants for delivery into the consuming vehicle on the premises and, in addition, at operator's option:

A. The sale and installation of motor vehicle accessories;

B. The performance of motor tune-ups, tire patching, battery charging and other similar minor or emergency repairs to motor vehicles;

Any other sale, service or use customarily incidental to the operation of a service station where the sale of such products or the rendering of such services or such uses are otherwise permitted within the zone, when conducted in the manner prescribed by the zoning regulations for such sale, service or use.

"Sign" means an identification, description, illustration or device which is affixed to or is presented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

"Street" means an officially approved public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this division. The word "street" shall include all arterial highways, freeways, traffic collector streets and local streets.

"Structure" means something constructed or built or a piece of work artificially built or composed of parts joined together in some definite manner.

"Structural alteration" means a change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

"Temporary Uses." Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to a site.

"Town house" formerly referred to as a residence in town, is now used to describe those residential developments which permit single-family construction on high cost land by use of row houses.

Trailer House, Travel. "Travel trailer house" means a portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle not more than eight (8) feet in body width or more than thirty-two (32) feet in body length and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

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

"Vehicular storage" means a vehicular storage area and area for the storage of abandoned, impounded, dismantled, obsolete or wrecked vehicles.

"Vision clearance" means a triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, wall structures or temporary or permanent obstruction exceeding two and one-half (2½) feet in height above the curb level.

"Watchman's quarters" means a subordinate dwelling unit of which the use is located on the same lot as the main use of the property and is incidental to the main use of the property.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

"Water-oriented" means uses which are not dependent upon access to a water body, but which utilize the view or proximity of a water body to enhance the quality of goods or services offered to the public.

"Water-related" means uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use, and which if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

"Wholesale, storage, and distributing" means establishments or places of business primarily engaged in the wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this division.

Yard, Front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front line to the nearest wall of a building or other structure.

Yard, Rear. "Rear yard" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest wall of a building or other structure.

Yard, Side. "Side yard" means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest wall of a building or other structure.

Yard, Street Side. "Street side yard" means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest wall of a building or other structure.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

ZONING DISTRICT STANDARDS						
Zoning District	Minimum Lot Size	Maximum Height	Max. Lot Coverage	Required Front Yard Setback	Required Side Yard Setback	Required Rear Yard Setback
R-A	Width: 70 ft. Area: 20,000 sq. ft.	2½ stories and 35 ft.[2]	40%	15 ft.	Interior Lot: One 5 ft., one 8 ft.[6] Corner Lot: 15 ft.[6]	If alley: None[6] If no alley: 5 ft.[6]
R-1	Width: 60 ft. Area: 6,000 sq. ft.	2½ stories and 35 ft.[2]	40%	15 ft.	Interior Lot: 5 ft., each side[6] Corner Lot: 15 ft.[6]	If alley: None[6] If no alley: 5 ft.[6]
R-2	Width: 60 ft. Area: 6,000 sq. ft.[1]	3 stories and 45 ft.	50%	15 ft.	Interior Lot: 5 ft., each side Corner Lot: 15 ft.	If alley: None If no alley: 5 ft.

C-1	Width: 60 ft. Area: 6,000 sq. ft.	3 stories and 45 ft.	60%	15 ft.	Interior Lot: 5 ft., each side [4] Corner Lot: 10 ft.	None
C-2	None	3 stories and 45 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 3 ft. wide by 3 ft. deep	10 ft. from center line of alley
CMU	None	45 ft.	100%[3]	None except for buildings fronting Greenwood Ave. or Rainbow Plz.[5]	None, but if created min. 3 ft.	10 ft. from center line of alley
M-1	None	50 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 5 ft.	None, but if created min. 5 ft.
M-2	None	50 ft.	100%[3]	None	None, but if created min. 5 ft.	None, but if created min. 5 ft.
M-3	None	3 stories and 50 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 3 ft.	10 ft. from center line of alley
PL	None	50 ft.	100%[3]	None	None, but if created min. 5 ft.	None, but if created min. 5 ft.
CS	None	None	N/A	30 ft.	10 ft. each side	10 ft.
AR	Width: None Area: 10 acres	50 ft.	N/A	30 ft. from street right-of-way	10 ft. each side	10 ft.

[1] Minimum lot area per dwelling unit shall be one thousand (1,000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet per each occupant.

[2] Hospitals, public schools, or churches may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

[3] Full coverage is allowed provided minimum parking, loading and setbacks are provided.

[4] Accessory buildings located less than seventy (70) feet from the front property line shall conform to the setbacks established for the main building.

[5] Building Orientation. Where a new building or major remodel of existing building is proposed fronting on Greenwood Ave. or Rainbow Plaza (Street) is shall be placed within ten (10) feet of said street right-of-way and have primary entrance(s) oriented towards the street. "Fronting" means facing or abutting a public right-of-way, not an alley.

[6] Churches must maintain a twenty (20) foot setback from side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback.

(Ord. No. 2015-1139, § 2, 1-5-2015)

Chapter 10.68 ESTABLISHMENT OF ZONES

Sections:

10.68.010 Classification of zones.

10.68.020 Location of zones.

10.68.030 Zoning map.

10.68.040 Zoning boundaries.

10.68.050 Zoning of annexed areas.

10.68.060 Compliance.

10.68.010 Classification of zones.

For the purposes of this division the following zones are hereby established:

Zone	Abbreviated Designation
Residential	
Rural suburban (low density)	R-A
Single-family residential (med. density)	R-1

Multifamily residential (high density)	R-2
Commercial	
Commercial transitional	C-1
Commercial	C-2
Marine commercial (water-related)	C-3
Commercial mixed-use	CMU
Industrial	
Light industrial	M-1
Industrial	M-2
Marine industrial (Water-dependent)	M-3
Public/semi-public land	PL
Other	
Estuarine natural	EN
Estuarine conservation	EC
Estuarine development	ED
Urban conservation shorelands	CS
Agricultural resource	AR

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.020 Location of zones.

The boundaries for the zones listed in this division are indicated on Reedsport Zoning Map, amended April 1, 2013, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.030 Zoning map.

A zoning map or amendment thereto adopted by Section 10.68.020 or by amendment thereto shall be prepared by authority of the Planning Commission or be a modification by the City Council of a map or map amendment so prepared.

The map or amendment thereto shall be dated with the effective date of the ordinance which adopts the map or amendment thereto. A certified print of the adopted map or amendment thereto shall be maintained in the office of the City Planner as long as the ordinance codified in this division remains in effect.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.040 Zoning boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.050 Zoning of annexed areas.

Unzoned areas annexed to the city shall be zoned in accordance with the city's comprehensive plan.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.060 Compliance.

Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this division permits.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.72 USE ZONES

Sections:

10.72.010 (R-A) Rural suburban zone—Low density.

10.72.020 (R-1) Single-family residential—Medium density.

10.72.030 Standards for manufactured homes in single-family residential zone.

10.72.040 Standards for accessory dwelling units.

10.72.050 (R-2) Multifamily residential—High density.

10.72.060 (C-1) Commercial transitional zone.

10.72.070 (C-2) Commercial zone.

10.72.080 (C-3) Marine commercial (water-related/oriented commercial shorelands).

10.72.085 (CMU) Commercial mixed-use zone.

10.72.090 (M-1) Light industrial zone.

10.72.100 (M-2) Industrial zone.

10.72.110 (M-3) Marine industrial zone (water-dependent industrial shorelands).

10.72.120 (PL) Public/semipublic lands.

10.72.130 (PUD) Planned unit development.

10.72.140 (EN) Estuarine natural.

10.72.150 (EC) Estuarine conservation.

10.72.160 (ED) Estuarine development.

10.72.170 (CS) Urban conservation shorelands.

10.72.180 (AR) Agricultural resource.

10.72.190 Reserved.

10.72.010 (R-A) Rural suburban zone—Low density.

A. Purpose. To provide low density larger suburban type residential developments.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A single family dwelling or duplex;
2. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, greenhouses, poultry houses, animal shelters or similar and related accessory uses for which a conditional use has been granted, provided, however, that there shall be not more than four (4) buildings allowed as accessory to any single-family dwelling;
3. Churches, provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (freestanding or attached to a church by a vestibule), shall be considered as a residential structure;
4. Crop cultivation or farm and truck gardens, including wholesale plant nurseries;
5. Minor home occupations;
6. Hospitals, provided that any buildings used for hospital purposes shall provide and maintain a setback of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;
7. Manufactured home subject to standards in Section 10.76.050
8. Planned unit developments subject to standards in Section 10.72.130

9. Privately operated day care facilities provided the residential character of the building is maintained;

10. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

11. Residential care homes and residential care facilities;

12. Schools (elementary, junior high and high); provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.

13. The hatching and raising of poultry and fowl, the raising of rabbits, bees and the like and the keeping of domestic animals except swine, as an incidental use, provided that:

    a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed:

Horse	20,000 sq. ft.
Cow	20,000 sq. ft.
Goat or sheep	20,000 sq. ft.

    b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one (1) for each five hundred (500) square feet of property; provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, fowls and/or rabbits (under the age of six (6) months) allowed on the property at any one (1) time shall not exceed three (3) times the allowable number of chickens fowl, and/or rabbits over the age of six (6) months,

    c. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each one thousand (1,000) square feet of lot area,

    d. Animal runs or barns, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line nor closer than fifty (50) feet from any residence,

    e. Animals, chickens and fowl shall be properly caged or housed and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

14. When an R-A zoned area is reclassified to another zone as hereinafter listed, all those land uses granted under this section shall be completely discontinued within a period of six (6) months from the date of reclassification.

15. Forest uses, including the propagation and harvesting of forest products and ancillary uses consistent with State Forest Practices Act.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040

2. Major home occupations;

3. Assisted living facility;

4. Parks, playgrounds, golf courses or community centers.

E. Parking Requirements. Parking shall be provided as specified under Section 10.76.020

F. Signs. Signs shall be provided as specified under Section 10.76.040

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Residential lots shall have a minimum average width of seventy (70) feet and the minimum lot area per dwelling shall be twenty thousand (20,000) square feet, except that where a lot has an average width of less than seventy (70) feet and an area of less than twenty thousand (20,000) square feet at the time the ordinance codified in this chapter became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.

2. Side Yards. On interior lots and the interior side of corner lots there shall be a side yard on each side of the main building of not less than five (5) feet on one (1) side and eight (8) feet on the other side. On corner building sites no building shall be closer than fifteen (15) feet to the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.020 (R-1) Single-family residential—Medium density.

A. Purpose. To provide a quality environment for medium density single-family residences, duplexes and other compatible land uses determined to be desirable and/or necessary.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A dwelling arranged, intended and designated exclusively for one (1) family;

2. A dwelling for two (2) families (duplex);

3. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, playhouses or similar and related accessory uses for which a special permit

has been issued; provided, however, that there shall be not more than two (2) buildings allowed as accessory to any single family dwelling;

4. Churches (except rescue missions or temporary revival), provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (freestanding or attached to a church by a vestibule), shall be considered as a residential structure;

5. Minor home occupations;

6. Manufactured home subject to standards in Section 10.72.030

7. Manufactured homes will be allowed in an approved planned unit development;

8. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-1 lot abuts a commercial or industrial zone;

9. Parks and playgrounds owned and operated by a governmental agency;

10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020

11. Planned unit developments subject to standards in Section 10.72.130

12. Privately operated day care facility; providing residential character of the building is not changed;

13. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

14. Residential care homes;

15. Schools (elementary, junior high and high), provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; alleys contiguous to or within the property being used for school purposes may be included in the required setback;

16. The office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided that:

    a. Such office is situated in the same dwelling unit as the home of the occupant;

    b. Such office shall not be used for the general practice of medicine, surgery and dentistry, but may be used for consultation and emergency treatment as an adjunct to a principal office;

    c. There shall be no assistants employed.

17. Forest uses including propagation and harvest of forest products and ancillary uses consistent with State Forest Practices Act.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040

2. Major home occupations;

3. Assembly or meeting halls may be allowed as a conditional use after an examination of the location and a public hearing has convinced the Planning Commission that the proposed use will not be detrimental to adjacent and surrounding property and further provided:

    a. The use of the building shall be restricted to the applicant without right to lend, rent or sublease the building to another person or organization,

b. The use of the building shall meet all standards of this division unless specific variances are requested and granted at the time of the conditional use hearing,

c. There shall be no gambling, sale or use of alcoholic beverages on premises,

d. Signing shall be limited to one (1) sign not to exceed twelve (12) square feet and shall be attached to the building; signs may be illuminated but may not be of the flashing or moving type.

4. Assisted living facility;

5. Bed and breakfast establishments;

6. Hospitals may be allowed under a conditional use after public hearing and examination of the location has convinced the Planning Commission that such a structure will not be detrimental to adjacent and surrounding property, and provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines (except on the street side of corner lots) of at least fifty (50) feet; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;

7. Manufactured home parks;

8. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.

9. Private, noncommercial playgrounds.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

F. Signs. Signs shall be allowed as specified in Section 10.76.040

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Residential lots shall have a minimum average width of sixty (60) feet and the minimum lot area per dwelling shall be six thousand (6,000) square feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section;

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet to the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080

K. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.030 Standards for manufactured homes in single-family residential zone.

These standards shall apply only to manufactured housing on single-family lots within zones that allow single-family dwelling units. It does not apply to manufactured homes within a mobile home park.

A. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.

B. The manufactured home shall be placed on an excavated and permanent back-filled foundation and enclosed at the perimeter such that the bottom edge of manufactured home exterior wall is located not more than sixteen (16) inches above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosed material shall be exposed on the up hill side.

C. The manufactured home shall have a pitched roof with a slope of three (3) feet in height for each twelve (12) feet in width.

D. The manufactured home shall have exterior siding and roofing which, in material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

F. The manufactured home shall have a garage or carport constructed of like materials.

G. The manufactured home shall not be sited adjacent to any structure listed on the register of historic landmarks and districts.

H. All other standards listed in the applicable zone shall apply.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.040 Standards for accessory dwelling units.

A. The structure shall comply with the Oregon Structural Specialty Code.

B. The main use of the property shall be a residential conforming use.

C. Either the primary residence or accessory dwelling unit shall be owner-occupied. A family member may be resident caretaker of the principal house and manager of the accessory dwelling unit.

Accessory dwelling units under this section shall not be separated in ownership under the provision of ORS 94 or any other law or ordinance allowing unit ownership of a portion of a building.

D. A maximum of one (1) accessory dwelling unit is allowed per lot, and no lot or property shall contain more than two (2) dwelling units.

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

F. The building height of a detached accessory dwelling unit shall not exceed twenty-five (25) feet.

G. A four (4) to six (6) foot hedge or site-obscuring fence may be required on the side or rear yard to buffer a detached accessory dwelling from dwellings on adjacent lots, or for the privacy and enjoyment of yard areas by the occupants on adjacent residential properties.

H. A detached accessory residence shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of five (5) feet. A covered walkway which contains no habitable space may connect the two (2) buildings without violation of the setback requirements.

I. A detached accessory dwelling unit must be residential in character with an exterior finish that is similar in materials and color to the primary residence.

J. A separate address shall be required for each residence.

K. One (1) additional off-street parking space is required to accommodate the accessory dwelling unit.

L. All other standards of the applicable zone shall apply.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.050 (R-2) Multifamily residential—High density.

A. Purpose. To provide suitable high density residential developments while preserving the residential character of the area.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the R-1 single-family residential zoned areas;
2. Apartment houses;
3. Boarding and lodging houses;
4. Clubs, lodges and assembly halls (private or nonprofit);
5. Convalescent/nursing homes including necessary and incidental services;
6. Minor home occupations;
7. Manufactured homes will be allowed in approved planned unit developments;
8. Multifamily dwellings;
9. Day care facilities;
10. Orphanages and charitable institutions;
11. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-2 lot abuts a commercial or industrial zone;
12. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
13. Planned unit developments subject to standards in Section 10.72.130
14. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
15. Public or private schools;
16. Residential care facilities.

C. Uses Permitted with Standards.

1. Temporary uses;
2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040

2. Major home occupation;

3. Assisted living facility;

4. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

F. Signs. Signs shall be allowed as specified in Section 10.76.040

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Every lot shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be one thousand (1,000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet for each occupant thereof.

However, where a lot has an average width of less than sixty (60) feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of fifty (50) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located closer than fifteen (15) feet to the front property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet from the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.060 (C-1) Commercial transitional zone.

A. Purpose. Commercial transitional zone shall serve the purpose of providing a desirable mixing of residential land uses with limited commercial land uses in close proximity to adjacent residential districts. The zone is also intended to serve local neighborhood needs rather than provide a full commercial area for an entire community. The limited commercial uses allowed in this district are selected for their compatibility to meet frequently recurring needs of the neighborhood.

B. Uses Permitted Outright.

1. All business and professional offices selling services only;

2. Any use permitted in the R-1 and R-2 zones, subject to regulations of the R-1 and R-2 zones;

3. Barber shop or beauty parlor;

4. Book or stationery store;

5. Clinics (does not include veterinarian clinics);
6. Clubs or lodges, fraternal and religious associations;
7. Confectionery store;
8. Craft or hobby shop;
9. Drugstore or pharmacy;
10. Dry goods or notions store;
11. Florist or gift shop;
12. Framing shop;
13. Grocery store;
14. Minor home occupation;
15. Laundromat;
16. Tailor, millinery or custom dressmaking shop;
17. Photographer;
18. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
19. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
20. Single-family residence as a secondary use when it is attached to or part of the commercial structure;
21. Clothing and wearing apparel shops;
22. Telephone and telegraph exchanges.

C. Uses Permitted with Standards.

1. Temporary uses;
2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

D. Uses Permitted Conditionally.

1. Major home occupations;
2. Mobile home parks;
3. Other uses not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed in subsection (B).

E. Limit of Floor Space. All retail businesses will be limited to two thousand five hundred (2,500) square feet of retail floor space.

F. Limit of Business Hours. Grocery stores, laundromats and retail businesses shall be limited to operating between the hours of seven a.m. to nine p.m.

G. Parking Space Required. Parking space and loading space shall be provided as specified under Section 10.76.020

H. Signs. Exterior signs shall be provided as specified under Section 10.76.040

I. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three stories with a maximum of forty-five (45) feet in height.

J. Area.

1. Size of Lot. Lots shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6,000) square feet, except that where a lot has an average depth of less than sixty (60) feet and an area of less than six thousand (6,000) square feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building or buildings (including accessory buildings) shall not occupy in excess of sixty (60) percent of the ground area.

K. Building Setback Requirements.

1. Front Yard. No structure shall be located closer than fifteen (15) to the front property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. Accessory buildings located less than seventy (70) feet from the front property line shall conform to the setback established for the main building. On corner building sites no building shall be closer than ten (10) feet to the exterior side lot line.

L. Vision Clearance. Vision clearance for corner lots shall be provided as specified in Section 10.76.080

M. Other Required Conditions.

1. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities;

2. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;

3. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

N. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.070 (C-2) Commercial zone.

A. Purpose. To provide areas suitable and desirable within which a wide range of retail sales and business may occur.

B. Uses Permitted Outright. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Any use permitted in the C-1 zone, (excluding new R-1 and R-2 uses), subject to regulations of the C-1 zone;

2. Legally established residential use types pre-existing the adoption of the ordinance codified in this division; however in the event of destruction of structure, it must be rebuilt within eighteen (18) months in order to continue as a residential use unless an extension of time is approved by the Planning Commission. If the structure is converted to another use permitted within this zone, said structure shall not revert to residential use;

3. Advertising business;

4. Agricultural supplies and machinery sales rooms;

5. Automobile sales agencies;

6. Auto maintenance and repair shops within an enclosed building;

7. Bakery;

8. Bank;

9. Building supplies including retail sales of lumber;
10. Catering service;
11. Clothing store;
12. Curios and antiques;
13. Delicatessen store;
14. Department store;
15. Dry cleaning, laundry or pressing establishment;
16. Feed and fuel stores;
17. Furniture, household goods and furnishings;
18. Hotels and motels;
19. Indoor theaters;
20. Manufactured home sales;
21. Meat market;
22. Musical instruments and supplies;
23. Office supplies and equipment;
24. Outdoor storage related to an outright permitted use within an enclosed, view-obscured area;
25. Paint and wallpaper supplies;
26. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
27. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science if conducted wholly within a completely enclosed building;
28. Plumbing supplies;
29. Printing and newspaper facilities;
30. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
31. Recreational vehicle sales;
32. Restaurants, tea rooms, cafes;
33. Secondhand stores if conducted wholly within an enclosed permanent building;
34. Seeds and garden supplies;
35. Self-service dry cleaning establishments using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-odorous as well as nonexplosive and nonflammable at temperatures below one hundred thirty-eight and five-tenths (138.5) degrees Fahrenheit;
36. Service stations, providing greasing and tire repairing are performed completely within an enclosed permanent building;
37. Shoe or shoe repair shop;
38. Sporting goods;
39. Stores, retail and wholesale;
40. Surgical supplies and equipment.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

D. Uses Permitted Conditionally.

1. Any use permitted outright operating from a temporary structure or building;

2. Mini-warehouses;

3. Recreational vehicle park;

4. Residential quarters as a secondary use;

5. Churches (excluding the Hwy. 101 commercial corridor);

6. Day care facilities;

7. Stores, retail and wholesale with limited manufacturing provided, that:

   a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales,

   b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise,

   c. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities. Temporary sales displays may be permitted adjacent to a permanent building;

8. Multifamily dwelling in the commercial C2 zone only in the area between the Schofield Bridge and 22nd Street;

9. Other uses not specified in this or any other district if the Planning Commission finds them to be similar to the uses listed above.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

F. Area. Percentage of coverage. Full coverage is allowable providing minimum loading space, parking and setbacks have been provided.

G. Building Setback Requirements.

1. Front Yard. Front yards shall not be required except where setbacks are established for road widening purposes;

2. Side Yard. Side yards shall not be required, but if side yards are created they shall be a minimum of three (3) feet wide and three (3) feet deep;

3. Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

H. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

I. Signs. Signs shall be allowed as specified in Section 10.76.040

J. Storage. All storage kept in conjunction with outright and conditional shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

K. Height. No building or structure, nor enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of forty-five (45) feet in height.

L. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2011-1109, § I, 12-5-2011; Ord. 2008-1082; Ord. 2003-1038 (part))

10.72.080 (C-3) Marine commercial (water-related/oriented commercial shorelands).

A. Purpose. To provide shoreland areas suitable and desirable for water-dependent, water-related/oriented retail business activities. Intended to provide areas for attractive development of tourist, lodging, restaurants and related facilities.

B. Uses Permitted Outright. The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this division:

1. Aids to navigation;
2. Bait, tackle shop and charter service;
3. Boat launching and moorage facilities, marina;
4. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;
5. Handicraft, novelties and curio shops;
6. Laboratory for research of marine products and resources;
7. Maintenance and rehabilitation of existing structures;
8. Gift or specialty shop;
9. Motel, hotel and bed-and-breakfast establishments;
10. Office in conjunction with a permitted or conditionally permitted use;
11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
12. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
13. Public outdoor recreation area;
14. Public waterfront access;
15. Research and education observation;
16. Restaurants;
17. Sales, service and rental of marine supplies and equipment;
18. Storage of marine/estuarine products, fishing gear and marine equipment in buildings of less than five thousand (5,000) square feet of total floor space;
19. Stores (retail and wholesale), and business uses similar to the above and normally located in a marine/commercial district, provided that:
    a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales,
    b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise.
20. Wholesale or retail markets for marine/estuarine products limited to two thousand five hundred (2,500) square feet.
21. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

C. Uses Permitted Conditionally. The following uses and activities and their accessory buildings and uses may be permitted on the C-3 zone subject to the provisions set forth in this division and to the applicable standards and criteria set forth in this section, and Chapter 10.80

1. Flood and erosion-prevention structures;
2. Laundromat;
3. Marine-oriented professional office building;
4. Processing of seafood in conjunction with retail sales operation;
5. Public utility or communications facilities;
6. Recreational vehicle park;
7. Residential quarters as a secondary use;
8. Storage of products and material transported by means of estuarine waters such as logs and gravel;
9. Other uses not specified in this district, but similar to permitted uses and demonstrated to be water-related/oriented commercial by applicant as evidenced by their design, use and character.

D. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the C-3 zone subject to the provisions set forth in this division the applicable standards and criteria set forth in this section and Chapter 10.80

1. Disposal of dredged material;
2. Non-dependent uses which are temporary and do not preclude the timely use of the site for water-dependent uses when need arises; for example, parking and open storage;
3. Transportation facilities essential to service water-dependent uses.

E. Standards and Criteria. In the C-3 zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon demonstration by the applicant that the uses are in fact water-dependent or water-related consistent with the criteria set forth in the definitions.
2. Storage of materials or products shall be permitted if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing use or activity.
3. Any applicant for a use shall furnish evidence of compliance with or intent to comply with all applicable permit and rule requirements of:
   a. City of Reedsport;
   b. The port of Umpqua;
   c. The Department of the Environmental Quality;
   d. The Division of State Lands;
   e. The U.S. Army Corps of Engineers; and
   f. All other agencies having interest applicable to the proposed use. If a statement of intent to comply is submitted, the approving authority may conditionally approve subject to compliance.
4. Non-dependent and non-related uses such as marine-oriented public office buildings, grocery store, laundromats and restaurants may be permitted upon a demonstration of public need; findings that sufficient quantity of land has been established and preserved to meet the projected need for water-related uses and if shown that the goods and services provided by these areas

are directly associated with water-related or water-dependent uses and the quality of these products or services is dependent on being located adjacent to those uses or the water.

5. Dwellings for caretakers and attached single-family dwellings may be allowed in urban water-related shorelands if such uses are an integral part of a water-related use and do not interfere with the location and operation of other water-related uses.

F. Parking Requirements. Parking and loading shall be provided as specified in Section 10.76.020

G. Area. Full coverage is allowed provided minimum parking spaces are provided.

H. Building Setback Requirements.

1. Front Yard. Front yards will not be required, except where setbacks are established for road widening purposes.

2. Side Yards. Side yards will not be required, but if side yards are created, they shall be a minimum of three (3) feet wide.

3. Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

J. Signs. Signs shall be allowed as specified in Section 10.76.040

K. Height. No building or structure, no enlargement of any building or structure, shall be hereafter erected or remodeled to exceed three (3) stories with a maximum of forty-five (45) feet in height.

L. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.085 (CMU) Commercial mixed-use zone.

A. Purpose. To implement the Reedsport Waterfront and Downtown Plan by providing for a wide range of employment and residential uses close to the waterfront and downtown core.

B. Uses Permitted Outright. In the CMU Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this section:

1. Residential Buildings and Uses:

a. Condominiums.

b. Multifamily dwellings and townhouses.

c. Single family/multifamily dwellings located above a commercial use.

2. Commercial Buildings and Uses:

a. Antique shop.

b. Art shop—Gallery, studio, supplies.

c. Book store.

d. Business and professional offices.

e. Clubs, lodges and assembly halls.

f. Delicatessen.

g. Gift shop.

h. Grocery store limited to two thousand five hundred (2,500) square feet.

i. Handicraft shop.

j. Hotel, motel.

k. Laundromat.

l. Medical and dental clinics.

m. Mercantile.

n. Novelties and curious shop.

o. Pharmacy.

p. Photography gallery.

q. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science.

r. Pottery sales.

s. Public and semipublic buildings and uses.

t. Restaurant.

u. Sporting goods, retail.

v. Temporary mobile commercial uses such as vendors.

w. Other uses similar to the above.

3. Industrial Buildings and Uses. Industrial uses are to be primarily conducted within a building or structure and only be allowed if the use does not emit: continues, frequent or repetitive noises or vibrations; or, noxious or toxic fumes, odors or emissions.

a. Brewery, distillery or winery.

b. Building supply store less than twenty thousand (20,000) square feet in size.

c. Light fabrication and repair shops.

d. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, electronic and communications components and supplies, leather and leather products, lumber and wood products, building specialties, objects or specialty items, perfumes, toiletries, soft drinks, food products, except for fish, sauerkraut, vinegar, yeast and rendering of fats and oils.

e. Wholesale business sales room.

C. Uses Permitted with Standards.

1. Preexisting or lawfully established uses existing on January 1, 2013.

2. Temporary uses.

3. Cluster Box Unit placement may be allowed as provided for in section 10.76.075

D. Buildings and Uses Permitted Conditionally. In the CMU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Chapter 10.96

1. Residential Buildings and Uses:

a. One (1) single family dwelling where adjacent properties within a one hundred (100) feet are predominately developed with uses other than single family dwellings.

2. Commercial Buildings and Uses:

a. Veterinary Clinic provided the use shall be conducted wholly within enclosed structures and there shall be no outside animal runs.

3. Industrial Buildings and Uses:

   a. Light Industrial uses as specified in Section 10.72.090 not specifically listed in Section 10.72.190.B.3.

E. Property Development Standards.

1. Area: No Standard established.

2. Coverage: Full coverage is allowable.

3. Setbacks:

   a. Front Yard: Front yards shall not be required, except for buildings fronting onto Greenwood Ave. or Rainbow Plaza (Street) as follows:

Building Orientation. Where a new building or major remodel of existing building is proposed fronting on Greenwood Ave. or Rainbow Plaza (Street) is shall be placed within ten (10) feet of said street right-of-way and have primary entrance(s) oriented towards the street.

"Fronting" for the purposes of this section means facing or abutting a public right-of-way, not an alley.

   b. Side Yard: Side yards shall not be required; except that where side yards are created they shall be a minimum of three (3) feet.

   c. Rear Yard: No structural development shall be allowed within ten (10) feet of the centerline of an alley.

4. Height: No structure shall exceed a height of forty-five (45) feet.

5. Signs: Signs shall be allowed as specified in Section 10.76.040

6. Parking: Parking shall be provided as specified in Section 10.76.020, except that the Community Development Planner may reduce the number of required automobile parking spaces, as follows:

   a. A reduction of one (1) off-street parking space is permitted for every one (1) space of on-street parking* abutting the subject site; and

   b. A reduction of one (1) off-street parking space is permitted for every two (2) bicycle parking spaces (e.g., one (1) U-style rack) provided on or adjacent to the subject site, not to exceed a total reduction of two (2) automobile parking spaces.

   c. Off-street parking shall not be placed between any new building and the street right-of-way for Greenwood Avenue or Rainbow Plaza (Street).

* "On-street parking space" for the purpose of this section means a surfaced area within the public street right-of-way of not less than twenty-two (22) feet in length by eight (8) feet in width that is approved by the roadway authority for parking.

F. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2013-1119, § 4, 4-1-2013)

10.72.090 (M-1) Light industrial zone.

A. Purpose. To provide areas suitable and desirable for secondary manufacturing and related establishments and more intense commercial use with limited external impact.

B. Uses Permitted Outright. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or maintained, except for the following uses:

1. Accessory buildings and uses normally associated with buildings permitted outright and conditionally;
2. Any use permitted in the C-3 and C-2 zone (excluding C-1 uses), subject to regulations of C-3 and C-2 zones;
3. Building supply stores less than twenty thousand (20,000) square feet in size;
4. Implement, machinery, heavy equipment and truck repair;
5. Kennels;
6. Laboratories (research, development, testing);
7. Light fabrication and repair shops such as cabinet, electric motor, heating, machine, sheet metal, auto body and welding;
8. Manufacture of electric, electronic, precision components or optical instruments;
9. The manufacturing, compounding, processing, packaging or treatment of such products as apparel and other finished products made from fabric and similar materials; cosmetics; drugs, electronic and communications components, systems, equipment and supplies; high technology components; leather and leather products; lumber and wood products; paper and allied products; precision testing, medical and optical goods; perfumes; toiletries; objects or decorative items; novelties; millwork; sporting goods; building specialties; signs; food, beverage and related products except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils;
10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
12. Storage buildings or warehouses, freight and truck terminals;
13. Transportation and freight yards and terminals;
14. Veterinary clinic;
15. Wholesale business salesrooms;
16. Wholesale trade.

C. Uses Permitted Conditionally.

1. Firing ranges;
2. Residential quarters, (including mobile home for watchman's quarters), as a secondary use;
3. Building supply stores exceeding twenty thousand (20,000) square feet in size;
4. Other uses not specified in this or any other district if the Planning Commission finds them too similar to the uses listed above provided that:
    a. Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance and not hazardous to the public health or safety,
    b. Items manufactured, processed or produced in this area shall be primarily for wholesale,
    c. Vehicular access to streets and highways shall be limited and shall meet with approval of the Planning Commission,
    d. All business shall be conducted wholly within an enclosed building.

D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

E. Area. Percent of coverage. Full coverage is allowable, providing minimum parking space, servicing space and setbacks have been provided.

F. Building Setback Requirements.

1. Front Yard. Front yards shall not be required except where specified setbacks are established for road widening purposes.

2. Side and Rear Yards. Side or rear yards shall not be required, but if the side or rear yards are created, they shall be a minimum of five (5) feet.

G. Height. No structure shall exceed a height of fifty (50) feet.

H. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

I. Signs. Signs shall be allowed as specified in Section 10.76.040

J. Storage. All storage kept in conjunction with outright and conditional uses where abutting commercial and residential zones shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.100 (M-2) Industrial zone.

A. Purpose. To provide areas suitable and desirable for medium and heavy industrial development and uses free from conflict with commercial, residential and other non-compatible land uses.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses which are permitted subject to special provisions and regulations of this division:

1. Accessory buildings and uses normally associated with uses permitted outright and conditionally;

2. Any manufacturing, processing, repair, research, testing, assembly, wholesale or storage uses;

3. Any use permitted in the M-1 zone (excluding C-2 uses), subject to regulations of the M-1 zone;

4. Bottling works;

5. Cement concrete batching plants and the manufacture and sale of concrete products;

6. Collection, packaging, storage and reprocessing of recyclable materials such as newspaper, cardboard, glass, metal, plastic or oil;

7. Contractor's equipment storage yards;

8. Freight and truck yards or terminals;

9. Laundry, cleaning and dyeing works, carpet and rug cleaning;

10. Lumber yards, retail, including mill work;

11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020

12. Plumbing and sheet metal shops;

13. Poultry or rabbit killing and processing;

14. Public buildings and structures such as fire stations, substations, pump stations, reservoirs, public utility facilities and government buildings;

15. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.

16. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

C. Uses Permitted Conditionally.

1. Auto wrecking yards;

2. Firing ranges;

3. Residential quarters, (including mobile home for watchman's quarters), as secondary use;

4. Other uses not specified in this or any other district if the Planning Commission finds them to similar to the uses listed above provided that:

a. Use is not objectionable due to dust, smoke or odor and not hazardous to the public health or safety,

b. Vehicular access to streets and highways shall be limited and shall meet with the approval of the Planning Commission.

D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

E. Area. Percent of coverage. Full coverage is allowable providing minimum parking space, servicing space and setbacks have been provided.

F. Building Setback Requirements.

1. Front Yard. No front yard will be required.

2. Side and Rear Yards. Side or rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.

G. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

H. Signs. Signs shall be allowed as provided in Section 10.76.040

I. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed a maximum of fifty (50) feet in height.

J. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.110 (M-3) Marine industrial zone (water-dependent industrial shorelands).

A. Purpose. To provide shoreland areas suitable for water-dependent manufacturing, industrial and other compatible land uses.

B. Uses Permitted Outright. The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this division:

1. Aids to navigation;

2. Boat launch or moorage facility, marina and boat charter;

3. Cold storage and ice processing for marine/estuarine products;

4. Communication facilities essential to service water-dependent use;

5. Energy production facilities, forest products processing and other industrial complexes dependent on the estuarine or marine waters for processing, transportation of material, loading or unloading from ships and barges, etc.;

6. Extraction, processing or storage of aggregate from within or adjacent to estuarine waters;

7. Facilities for construction, repair, maintenance and dismantling of boats, barges, ships and related marine equipment;
8. Facilities for processing of products harvested from the estuary or ocean;
9. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;
10. Laboratory for research on marine/estuarine products and resources;
11. Loading and unloading facilities;
12. Maintenance and rehabilitation of existing structures;
13. Manufacture of products where the raw materials or finished products are transported upon estuarine waters;
14. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance;
15. Office in conjunction with a permitted or conditionally permitted use;
16. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
17. Public waterfront access;
18. Research and education observation;
19. Utilities such as power and telephone lines and their support structures, gas lines, water lines and sewer lines;
20. Wharves, docks and piers.
21. Cluster Box Unit placement may be allowed as provided for in section 10.76.075

C. Uses Permitted Conditionally. The following uses and activities and their accessory buildings and uses may be permitted, subject to provisions of this division and applicable standards and criteria set forth in this section, Chapter 10.80

1. Aquaculture;
2. Flood and erosion-prevention structures;
3. Manufacture of structural devices to be used in the storage, extraction and processing of resources found in coastal waters;
4. Residential quarters (including mobile home for night watchman), as secondary use;
5. Retail seafood market in conjunction with seafood packing and processing plant;
6. Uses not listed above which must locate next to the estuary because of a demonstrated relationship to the water, proven unavailability of upland locations or specialized citing requirements.

D. Uses Permitted with Standards. The following uses and activities and their accessory building and uses are permitted in the M-3 zone, subject to the provisions set forth in this division, the applicable standards and criteria set forth in this section, and Chapter 10.80

1. Disposal of dredged materials;
2. Non-water-dependent uses may be allowed in water-dependent areas of shorelands only if these uses are temporary in nature and do not preclude timely use of the site for water-dependent uses;
3. Transportation facilities essential to service water-dependent uses.

E. Standards and Criteria. In the M-3 zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact water-dependent, consistent with the criteria set forth in the definitions.
2. Any applicant for a use shall furnish evidence of compliance or intent to comply with all applicable permit and rule requirements of:
   a. City of Reedsport;
   b. The port of Umpqua;
   c. Department of Environmental Quality;
   d. Division of State Lands;
   e. U.S. Army Corps of Engineers; and
   f. All other agencies having interest applicable to the proposed use.
3. Dwellings for caretakers and attached single-family dwellings may be allowed in an M-3 zone if such uses are a necessary and accessory part of a water-dependent use and do not interfere with the location and operation of other water-dependent uses.

F. Parking Requirements. Parking and unloading shall be provided as specified in Section 10.76.020

G. Area. Full coverage is allowable as long as parking and loading spaces and setbacks are provided.

H. Building Setback Requirements.
1. Front Yard. Front yards shall not be required, except where setbacks are established for road widening purposes.
2. Side Yards. Side yards shall not be required, but if side yards are required, they shall be a minimum of three (3) feet wide.
3. Rear Yard. No structural improvements, except road surfacing, shall be allowed within ten (10) feet of the center line of the alley.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

J. Signs. Signs shall be allowed as specified in Section 10.76.040

K. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of fifty (50) feet in height.

L. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.120 (PL) Public/semipublic lands.

A. Purpose. To provide and preserve desirable areas for public recreational activities and a variety of public service activities.

B. Uses Permitted Outright. The following uses and their accessory buildings and uses are permitted, subject to provisions set forth in this division:
1. Cemeteries;
2. Churches;
3. Fairgrounds;
4. Fire prevention, detection and suppression facilities;
5. Fish and wildlife management;

6. Golf course, public and private;
7. Hospital, medical services and nursing homes;
8. Orphanages and charitable institutions;
9. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020
10. Parks, playgrounds, campgrounds, boating facilities and other such recreational facilities;
11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
12. Public and semiprivate building structures and uses essential to the physical, social and economic welfare of the area;
13. Schools;
14. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

C. Uses Permitted with Standards.

1. Temporary uses.

D. Uses Permitted Conditionally.

1. A single-family dwelling customarily provided in conjunction with a use permitted in this classification.
2. Country club.
3. The placement of hydroelectric, solar, wind or geothermal generation facilities, transmission lines or pipes, substations and communication facilities.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020

F. Area. Percent of coverage. Full coverage shall be allowed as long as parking and loading spaces and setbacks are required.

G. Height. Structure shall not exceed fifty (50) feet.

H. Building Setback Requirements.

1. Front Yard. No front yard shall be required.
2. Side and Rear Yards. None required, but if created they shall be a minimum of five (5) feet.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080

J. Signs. Signs shall be allowed as specified in Section 10.76.040

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.130 (PUD) Planned unit development.

A. Purpose. The purpose of planned unit development approval is to allow and make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections. These provisions are intended to allow developers the freedom to design and construct projects whose objectives may be inhibited by strictly applying the provisions of this Code, thereby providing more harmony with site conditions, aesthetics, economy and similar considerations than might otherwise be possible.

The use of these provisions is dependent upon the submission of a complete and acceptable conceptual master plan accompanied by satisfactory assurances it will be carried out. Such conceptual, preliminary master plan shall conform to and be in compliance with the goals and objectives of the comprehensive plan.

B. Planning Commission Approval Required. Where use is made of the planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

C. General Requirements for Approval.

1. A planned unit development may be allowed in the following zones: R-A, R-1 and R-2.

2. Planned unit development application shall be for an area of not less than one (1) acre of residentially zoned property.

3. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone, in which a planned unit development is proposed, do not apply within a planned unit development.

4. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this division on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.

5. The planned unit development may result in a density in excess of the density otherwise permitted within the underlying zone in which the planned unit development is to be constructed, not to exceed ten (10) percent, if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

An increase of over ten (10) percent but not more than twenty (20) percent, may be additionally permitted by the Planning Commission if the increase is compensated for by the provision of amenities. Examples of such amenities are architectural design regulation, extraordinary landscaping, recreational amenities, traffic and parking regulation and provisions, protection of environmentally sensitive areas and natural resources, etc.

D. Application. The owner or his authorized agent may make application for planned unit development approval by filing an application with and on the forms provided by the Community Development Department. The application shall be accompanied by the following:

1. A filing fee in an amount established by general resolution of the City Council;

2. Applicant shall submit the application form, appropriate fees, and ten (10) copies of a preliminary site plan and related support documents for review by the Planning Commission. The preliminary site plan drawn to scale and related support documents shall include, but not be limited to, the following information:

a. Proposed use, location, dimensions, height and type of construction of all buildings; proposed number of dwelling units if any to be located in each building;

b. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks and/or pedestrian ways; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

c. Proposed location and use of all open spaces including a plan for landscaping;

d. Proposed grading and drainage pattern;

e. Proposed method and plan for provision of water supply and fire hydrants, sewerage disposal, electrical facilities, solid waste disposal and street lights;

f. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses to the surrounding area;

g. Existing natural features such as trees, streams, topography;

h. Documentation regarding establishment of ownership and maintenance of all common space and facilities, (i.e., streets, open areas, recreational facilities, recreation areas, etc.);

i. Development schedule;

j. Site plan, showing location of immediate adjacent infrastructure, structures, fire hydrants, street lights, etc.

E. Standards for Approval. In granting approval for a planned unit development, the Planning Commission shall seek to determine, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within twelve (12) months of the conclusion of any necessary actions by the city, or within such longer period of time as may be established by the Planning Commission;

2. The proposal conforms to the Comprehensive Plan and implementing measures of the city in terms of goals, policies location, and general development standards;

3. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district;

4. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations may be warranted;

5. The project will be compatible with adjacent developments and will not adversely affect the character of the area;

6. The project will satisfactorily take care of the traffic it generates both on and off-site by means of adequate off-street parking, access points and additional street right-of-way improvements;

7. The proposed utility and drainage facilities will be adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site.

F. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized in the zoning district, accessory uses approved as part of a planned unit development may include the following uses:

1. Golf course;

2. Private park, lake or waterway;

3. Recreation area;

4. Recreation building, clubhouse or social hall;

5. Privately operated pre-schools or day nurseries;

6. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075

7. Other accessory structures, which the Planning Commission finds, are designed to serve primarily the residents of the planned unit development and are compatible to the design of the planned unit development.

G. Planning Commission Action.

1. Before the Planning Commission may act on an application for planned unit development, it shall hold a public hearing thereon following procedure as established in Sections 10.112.010 through 10.112.090

2. The Planning Commission may continue a public hearing in order to obtain more information or to serve further notice.

3. In taking action, the Planning Commission may approve, approve with conditions or deny an application as submitted. Any planned unit development as authorized shall be subject to all conditions imposed and shall be accepted from the other provisions of this code on to the extent specified in said authorization.

4. Any approval of a planned unit development granted hereunder shall become void if, within twelve (12) months after the final granting of approval or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has not been commenced and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.

5. In approving the conceptual, preliminary master plan for the planned unit development, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this section. These conditions may include, but are not limited to, the following:

   a. Increasing the required setbacks;

   b. Limiting the height of buildings;

   c. Controlling the location and number of vehicular access points;

   d. Establishing new streets, increasing the right-of-way or roadway width of existing streets and, in general, improving the traffic circulation system;

   e. Increasing the number of parking spaces;

   f. Limiting the number, size, location and lighting of signs;

   g. Designating sites for open space and recreational development;

   h. Requiring additional fencing, screening and landscaping;

   i. Requiring performance bonds to assure that the development is completed as approved within the time limit established by the Planning Commission;

   j. Requiring that a contractual agreement be established with the city to assure development of streets, curbs, gutters, sidewalks, and water and sewer facilities to city standards.

5. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Section 10.104.020

H. Variations to be Authorized. The Planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and loading facilities and landscaped areas not equivalent to the standards prescribed within the regulations for the zoning district within which the planned unit development is located, if the applicant has demonstrated by his design proposal that the objectives of the land development regulations and of this section will be achieved.

I. Exception to Subdivision Regulations. When a planned unit development involves design proposals which would also necessitate the granting of exceptions to land division regulations, the Planning Commission may grant tentative approval of the proposal subject to the condition that final approval may not be granted until the applicant submits and receives approval of a tentative subdivision map in the manner prescribed by land division regulations.

J. Violation of Conditions. The Planning Commission on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval after first holding a public hearing and giving notice of such hearing as provided in Chapter 10.112. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval.

K. Minor Change. The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved planned unit development. The Planning

Commission shall hold a public hearing to consider the nature of the requested change, impacts the change may have on the city's services and facilities. The Commission may approve or deny the minor change.

If the change is approved it may be incorporated into the project. If it is denied, the project remains as originally approved, and the change shall not be incorporated. Applications for a minor change must be submitted with the following:

1. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted;
2. A statement explaining how the proposed change related to the approved project and any impacts it may have on the project and or adjoining property holders and city services and facilities.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.140 (EN) Estuarine natural.

A. Purpose. The estuarine natural classification is intended to preserve and protect areas containing significant natural resources in the estuary. The classification provides for uses of designated natural resource areas which are consistent with the natural management unit designation of the comprehensive plan and its objective to protect significant habitats, biological productivity and scientific, research and educational values.

B. Uses Permitted Outright. In the EN zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions and standards set forth by this division.

1. Aids to navigation, such as beacons and buoys;
2. Commercial harvest of fin fish in the water column;
3. Grazing of livestock that does not require establishment of dikes, tidegates or other permanent structures;
4. Hunting and fishing;
5. Low intensity, water-dependent recreation not requiring development;
6. Maintenance of existing facilities and structures;
7. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossings support structures;
8. Passive restoration measures;
9. Protection of habitat, nutrient, fish, wildlife and aesthetic resources;
10. Research and educational observation without permanent structures;
11. Bridge crossings;
12. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the EN zone, subject to the provisions of this division, the applicable standards and criteria set forth in this section and Chapter 10.80

1. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement;

2. Aquaculture and commercial harvest of benthic organisms (clams, oysters, shrimp, etc.) which does not involve dredge or fill of other estuarine alteration other than incidental dredging for commercial harvest of benthic species or removable in-water structures such as stakes or racks;
3. Communication facilities;
4. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges;
5. Boat ramps and associated dredging for public use where no dredging or fill for navigational access is needed;
6. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation;
7. Installation of tidegates in existing functional dikes;
8. Temporary alterations;
9. Bridge crossing—support structures and dredging necessary for their installation.

D. Standards and Criteria. In the EN zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Chapter 10.80, including:
   a. Resource capabilities of the area;
   b. Purpose of the resource management unit as explained in this section of this zone classification;
   c. Other alterations of Section 10.80.050
   d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
   a. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges shall be permitted if such will not conflict with permitted uses in the zoned area;
   b. Riprap shall be permitted to the extent necessary to protect uses existing on June 17, 1980, and to protect natural resources and historical and archaeological values and public facilities only if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized;
   c. Commercial harvest of benthic organisms which disturb the bottom sediments of the water body must be limited to methods other than dredging in natural management units;
   d. Active restoration shall be consistent with the definition contained in Chapter 10.64. Proposals for active restoration shall identify the historical existence and cause of the lost or dredged estuarine resource being restored.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.150 (EC) Estuarine conservation.

A. Purpose. The estuarine conservation classification is intended to establish and protect areas of the estuary for the long-term use of renewable resources. The classification primarily is intended to apply to areas to be managed for uses of low to moderate intensity that do not require a major alteration of the estuary. Areas included in the classification have less biological significance than areas classified as estuarine natural.

B. Uses Permitted Outright. In the EC zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the applicable standards and provisions set forth in this division:

1. With the exception of temporary alterations and other alterations, all uses and activities permitted outright and permitted with standards in the estuarine natural zone.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the EC zone, subject to procedures set forth in this division, the applicable standards and criteria set forth in this section and Chapter 10.80

1. Active restoration for purposes other than protection of habitat, nutrient, fish and wildlife and aesthetic resources;

2. High intensity, water-dependent recreation including:

a. Boat ramps, marinas and new dredging for boat ramps and marinas,

b. Fishing piers,

c. Associated dredging of above.

3. Individual or community docks;

4. Maintenance dredging of existing facilities and future marinas/moorages; boat ramps and fishing piers;

5. Minor navigational improvements including maintenance dredging of recognized channels and construction of wing dams;

6. Piling and mooring dolphins for the purpose of mooring craft, barges and log rafts;

7. Sanitary waste outfalls;

8. Storage of products and materials transported by means of estuarine waters (including logs);

9. Utilities and their support structures;

10. Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill;

11. Temporary alterations in support of uses permitted outright or conditionally permitted in this section;

12. Aquaculture requiring dredge or fill or other alteration of the estuary;

13. Temporary alterations;

14. Mining and mineral extraction including dredging necessary for mineral extraction.

D. Standards and Criteria. In an EC zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use if found to be consistent with the provisions of Chapter 10.80, including:

a. Resource capabilities of the area;

b. Purpose of the resource management unit as explained in this section of t his zone classification;

c. Other alterations test of Chapter 10.80.050

d. Standards and criteria applicable to specific uses.

2. The use is found to be consistent with any of the following applicable special standards:

a. High intensity water-dependent recreation, maintenance dredging of existing facilities, minor navigational improvement, mining and mineral extraction, utilities, sanitary waste outfalls,

water-dependent uses requiring occupation of water surface area by means other than fill and bridge crossings shall be permitted if found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources that do not require major alteration of the estuary.

b. Riprap and other bank-protective measures shall be permitted to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.

c. Fills may be allowed in an EC zone only as part of the following uses or activities:

i. Maintenance and protection of manmade structures existing as of October 7, 1977;

ii. Active restoration of the estuarine area if a public need is demonstrated;

iii. Temporary low-water bridges if an estuarine location is required, if there are no alternative locations within a "development" management unit and if adverse impacts are minimized as much as feasible;

iv. Aquaculture;

v. High intensity water-dependent recreation and minor navigational improvements if no alternative upland locations exist for the portion of the use requiring fill, and allowing the use is found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources;

vi. Flood and erosion-control structures, if required to protect water-dependent uses allowed in the management unit and if land use management practices and nonstructural solutions are inadequate to protect the use;

vii. Dredge crossing support structures if there are no alternative locations in an estuarial development (ED) zone and if findings required in subsection (D)(2)(c)(v) section are made.

d. Dredging for material for dike repair/maintenance may be allowed in subtidal areas within EC zones on Scholfield Creek if no alternative source of suitable material is available or the cost of obtaining and placing the material is prohibitive (cost of using alternative sources is two hundred (200) percent or more of the cost of dredging for material). An application for a permit to dredge for dike repair/maintenance shall include an evaluation of the availability and suitability of alternative sources of material including specific upland and dredged material stockpile sites and a cost comparison of using alternative sources.

e. Dredging for dike repair/maintenance shall be carried out in such a manner that the impact on aquatic life and disruption of tide flats and marshes is minimized.

f. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.160 (ED) Estuarine development.

A. Purpose. The estuarine development classification is intended to establish and preserve adequate area for navigation and other public, commercial and industrial water-dependent uses. This classification is intended to apply to an area designated in the comprehensive plan as a development management unit and to be managed for uses of high intensity which may significantly alter the estuarine resource.

B. Uses Permitted Outright. In the ED zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and standards set forth in this division:

1. Commercial water-dependent uses including:
    a. Boat launch or moorage facility, marina and boat charter services,
    b. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;
2. Developed high-intensity, water-dependent recreation uses including:
    a. Marinas and moorages,
    b. Boat charter services,
    c. Boat ramps and hoists,
    d. Fishing piers.
3. Industrial water-dependent uses including:
    a. Wharves, docks and piers,
    b. Loading and unloading facilities,
    c. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance.
4. Interim uses and activities which do not preclude or interfere with the future development of water-dependent uses and activities;
5. Log transport;
6. Maintenance dredging of water-dependent and other existing uses;
7. Maintenance of existing facilities and structures;
8. Irrigation channels and improvements including:
    a. Maintenance dredging of authorized channels,
    b. Extension of channels and turning basins to authorized depth and width,
    c. Maintenance of jetties.
9. Public water-dependent uses including:
    a. Aids to navigation such as beacons and buoys,
    b. Laboratories for research of physical and biological characteristics of the estuary,
    c. Sanitary waste outfalls.
10. Utilities.

C. Uses Permitted with Standards. In the ED zone, the following uses and their accessory buildings and uses may be permitted subject to the provisions of this division, applicable standards and criteria set forth in this section and Section 10.80.030 (applicable standards in parentheses):

1. Active restoration (Section 10.80.030(B)(7));
2. Dredge and fill including maintenance dredging (Sections 10.80.030(B)(1) and (B)(8));
3. In-water (subtidal) disposal of dredged materials (Sections 10.80.030(B)(1) through (B)(8));
4. Laboratories for commercial research on marine/estuarine products and resources;
5. Riprap and other erosion-protective measures (Section 10.80.030(B)(3));
6. Storage of products and materials transported by means of estuarine waters (including logs) (Section 10.80.030(B)(4));
7. Uses permitted in natural and conservation management units but not listed as permitted in development management units (Section 10.80.030(B)(5));

8. Uses shown to be water-dependent by an applicant (Section 10.80.030(B)(6));

9. Flow lane disposal of dredge materials (Section 10.80.030(B)(8));

D. Uses Permitted Conditionally. In the ED zone, the following uses and their accessory buildings and uses may be permitted, subject to the provisions of this division, applicable standards and criteria set forth in this section and Chapter 10.80, including:

1. Bridge crossings;

2. Mining and mineral extraction, including sand and gravel;

3. Where consistent with the purpose of this management unit water-related uses and non-dependent, non-related uses not requiring dredging or fill and activities listed in the estuarine natural and conservation zones including the following shall also be appropriate:

a. Bait and tackle shop,

b. Dwelling for caretaker,

c. Grocery store,

d. Houseboat,

e. Marine-related gift or specialty shop,

f. Marine supplies and equipment store,

g. Restaurant,

h. Single-family dwelling attached to a permitted or conditionally permitted use,

i. Storage of marine estuarine products, fishing gear and marine equipment,

j. Wholesale and retail market for marine/estuarine sea products.

E. Standards and Criteria. In an ED zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complied with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Chapter 10.80, including:

a. Resource capabilities of the area;

b. Purpose of the resource management unit, as explained in this section of this zone classification;

c. Other alterations of Section 10.80.050

d. Special policies for specific uses.

2. The use is found to be consistent with any of the following applicable special standards:

a. Water-related, non-dependent and non-related uses may be allowed only if:

i. The site has minimum biological or recreational significance;

ii. The site and adjacent shorelands are not suitable or needed for water-dependent uses;

iii. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses;

iv. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.

b. In-water disposal of dredged materials shall be permitted if found to be consistent with the dredge and fill requirements of Chapter 10.80 and the objective of providing for and

maintaining navigational and other public, commercial and industrial water-dependent uses and state and federal laws.

c. Riprap and other bank-protective measures shall be permitted in ED zones to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.

d. Water storage of materials or products shall be permitted in ED zones if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing facility; if there are no feasible upland alternatives; if adverse impacts are minimized as much as possible and if consistent with the objective of providing for and maintaining navigational and other water-dependent uses.

e. Uses permitted in natural and conservation management units, bridge crossings and mining and mineral extraction may be allowed in an ED zone if found to be consistent with the objective or providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.

f. Uses not listed as water-dependent in the plan or this division may be allowed in an ED zone if the applicant demonstrates that the uses meet the criteria for water-dependency contained within the definition.

g. Proposals for active restoration shall identify the historical existence and causes of the lost or degraded estuarine resource being restored.

h. Flow lane disposal of dredge material must be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

i. Other uses and activities which could alter the estuary shall only be allowed once an impact assessment is completed and once the following requirements are satisfied:

i. If a need (i.e., substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

ii. If no feasible alternative upland locations exist; and

iii. If adverse impacts are minimized.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.170 (CS) Urban conservation shorelands.

A. Purpose. The conservation shorelands classification is intended to preserve and protect shoreland areas containing major freshwater marshes, significant wildlife habitat, historic and archaeological sites or having exceptional scenic or aesthetic quality due to their association with coastal waters. The classification provides for uses of these shorelands which are consistent with the objective of protecting their natural values.

B. Uses Permitted Outright. In the CS zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and exceptions set forth by this division:

1. Activities which maintain, enhance or restore major marshes, significant wildlife habitat, exceptional aesthetic resources or historical and archaeological sites;

2. Aids to navigation;

3. Grazing of livestock;

4. Harvesting wild crops;

5. Maintenance of dikes, culverts, roads, bridges and other existing structures;

6. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act and Forest Practices Rules administered by the Department of Forestry for the protection of coastal shoreland resource values;

7. Research and educational observation without structures;

8. Developed, low intensity, water-dependent recreation including boat launching, fishing, hunting, wildlife observation, photography, etc.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the CS zone, subject to the provisions of this division, the applicable standards and criteria set forth in this section and Chapter 10.80

1. Aquaculture;

2. Communication facilities such as communication towers, support structures, utilities and pipelines;

3. Disposal of dredged material;

4. Maritime museums;

5. Public parks, historical monuments;

6. Rehabilitation of dikes, culverts, roads, bridges and other existing structures;

7. Sanitary outfalls;

8. Transportation facilities;

9. Uses and activities necessary to protect the natural or cultural resource values present in the unit.

D. Uses Permitted Conditionally. In the CS zone, the following uses and activities and their accessory buildings and uses may be permitted, subject to the provisions of this division, applicable standards and criteria set forth in this section and Chapter 10.80

1. Estuary restoration when identified in the comprehensive plan as a restoration site;

2. Flood and erosion-preventive measures;

3. One single-family dwelling on a lot of record, as defined in Section 10.64.030, when compatible with the objectives and implementation standards of the coastal resources element of the plan.

E. Standards and Criteria. In the CS zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria.

1. Utilities, public communication facilities and aquaculture shall be permitted only if found to be consistent with the resource capabilities of the area and if there is no conflict with uses listed as permitted.

2. Transportation facilities, sanitary outfalls, disposal of dredged material, public parks, historical monuments and maritime museums shall be permitted only in urban shoreland areas and only when consistent with existing resources and use.

3. Structures allowed shall not have a long term negative effect on the natural and cultural resource values being protected.

F. Property Development Standards.

1. Area. No standard established.

2. Setbacks:

a. Front Yard. No structure shall be located closer than thirty (30) feet from the front property line.

b. Side Yard. No structure shall be located closer than ten (10) feet from side property line.

c. Rear Yard. No structure shall be located closer than ten (10) feet from rear property lines.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.180 (AR) Agricultural resource.

A. Purpose. To provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities.

B. Uses Permitted Outright. In an AR zone, the following uses and their accessory uses are permitted outright:

1. Buildings and structures necessary to the uses listed in subsection (B);
2. Farm uses;
3. Fire prevention, detection and suppression facilities;
4. Fish and wildlife management;
5. Forest management;
6. Minor home occupations;
7. Nursery for the culture, sale and display of trees, shrubs and flowers;
8. Buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;
9. Publicly owned facilities such as parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;
10. Single-family dwellings customarily provided in conjunction with a use permitted in this classification, providing that a minimum average density of ten (10) acres per dwelling shall be maintained;
11. The development of water impoundments and canals;
12. Other uses later deemed by the Planning Commission to be conditional.

C. Uses Permitted Conditionally.

1. Major home occupations;
2. Beekeeping;
3. Use or keeping of animals other than livestock, excluding swine which are prohibited.

D. Lot Size. The minimum lot area shall be ten (10) acres.

E. Building Setback Requirements. No structure other than a fence or sign shall be located closer than thirty (30) feet from the right-of-way of a public road and ten (10) feet from all other property lines.

F. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed fifty (50) feet.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.190 Reserved.

Editor's note— Ord. No. 2015-1139, § 2, adopted January 5, 2015, repealed § 10.72.190 in its entirety; and similar provisions were enacted as § 10.72.085. Former § 10.72.190 pertained to (CMU) commercial mixed-use zone and was derived from Ord. No. 2013-1119, § 4, adopted April 1, 2013.

Chapter 10.76 SPECIAL PROVISIONS AND REGULATIONS

Sections:

10.76.010 Flood hazard area.

10.76.020 Parking and loading.

10.76.024 Access standards.

10.76.026 Transportation standards.

10.76.028 Landscaping, screening and buffering.

10.76.030 Temporary uses.

10.76.040 Signs.

10.76.050 Mobile home and recreational vehicle parks.

10.76.060 Levee limitations.

10.76.070 Fences, hedges, walls and screening.

10.76.075 Cluster box unit placement.

10.76.080 Vision clearance.

10.76.090 Building heights.

10.76.100 Building setbacks.

10.76.110 Access.

10.76.120 Historical resources.

10.76.130 Steep slope hazards.

10.76.140 Dredge spoils and mitigation sites.

10.76.150 Significant natural resources overlay zone.

10.76.010 Flood hazard area.

A. Purpose. To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard;

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

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

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging and other development which may increase flood damage;

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

B. Definitions. Unless specifically defined in this subsection, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always include the letter A or V.

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as "100-year flood." Designation on maps always includes the letter A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.

"Critical facility" means facilities for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

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

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

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

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

"Habitable floor" means any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New mobile home/manufactured home park" or "mobile home/manufactured home subdivision": A parcel (or contiguous parcels) of land divided into two (2) or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this ordinance codified in this chapter.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include excavation for a basement, footings, piers, or foundations or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"State building code" means the combined specialty codes adopted by the State of Oregon.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started;
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this division which permits construction in a manner that would otherwise be prohibited by this division.

C. General Provisions.

1. Lands to Which this Division Applies. This section shall apply to all areas of special flood hazards within the jurisdiction of the city of Reedsport.
2. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Douglas County, Oregon, and Incorporated Areas" dated February 17, 2010, with accompanying flood insurance rate maps and flood boundary-floodway maps is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at Reedsport City Hall, 451 Winchester Avenue, Reedsport, Oregon.
3. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this division and other applicable regulations.
4. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this section, division and other ordinance, state building code, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Interpretation. In the interpretation and application of this division all provisions shall be:
    a. Considered as minimum requirements;
    b. Liberally construed in favor of the governing body;
    c. Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.

6. Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regularity purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This 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 city of Reedsport, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

D. Administration.

1. Establishment of a Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured homes, as set forth in the Section 10.76.010(B), and for all other development including fill and other activities, also as set forth in the Section 10.76.010(B). Application for a development permit shall be made on forms furnished by the Planning Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location for the foregoing. Specifically, the following information is required:

   a. Elevation in relation to mean sea level of the lowest floor (including basement), of all structures;

   b. Elevation in relation to mean sea level to which any structure has been floodproofed;

   c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this section;

   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Designation of the Administrator. The City Planner and/or Building Inspector is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

3. Duties and Responsibilities of the Administrator. Duties of the Administrator shall include, but are not limited to:

   a. Review all development permits to determine that the permit requirements of this division have been satisfied;

   b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

   c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this section are met.

4. Use of Other Base Flood Data. When base flood data has not been provided in accordance with this section, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections (E)(2)(a), (E)(2)(b) and (D).

5. Information to be Obtained and Maintained. The Building Inspector shall:

   a. When base flood elevation data is provided through the flood insurance study or required as in this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement;

   b. For all new or substantially improved floodproofed structures:

i. Verify and record the actual elevation (in relation to mean sea level),

ii. Maintain the floodproofing certifications required in this section.

c. Maintain for public inspection all records pertaining to the provisions of this division.

6. Alteration of Watercourses. The Community Development Planner shall:

a. Notify adjacent communities and the department of land conservation and development and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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

7. Interpretation of Flood Insurance Rate Map. The City Planner shall make interpretations where needed as to exact locations of the boundaries of the areas of special flood hazards. (For example, if there appears to be a conflict between a mapped boundary and actual field conditions.)

E. Provisions for Flood Hazard Reduction.

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

a. Anchoring.

i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

ii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

b. Construction Materials and Methods.

i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities.

i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals.

i. All subdivision proposals shall be consistent with the need to minimize flood damage.

ii. All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage.

iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, which ever is less.

e. Review of Building Permits. Where elevation data is not available, either through the flood insurance study or from another authoritative source (Section 10.76.010), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two (2) feet above grade in these zones may result in higher insurance rates.

2. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection (C)(2) or (C)(4), the following provisions are required:

a. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation.

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

i. A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

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

b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with a utility and sanitary facilities, shall:

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

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

iii. Be certified by a registered professional engineer or architect that the standards of practice for meeting provisions of this subsection are based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official;

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 10.76.010

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one (1) foot below that level).

c. All manufactured homes that are to be placed or substantially improved within zones A1-A30, AH, and AE on Reedsport's FIRM on sites:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of eighteen (18) inches (forty-six (46) centimeters) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

d. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on Reedsport's FIRM that are not subject to the manufactured home provisions of subsection (E)(2)(c) be elevated so that either:

i. The lowest floor of the manufactured home is elevated a minimum of eighteen (18) inches (forty-six (46) centimeters) above the base flood elevation; or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

e. Recreational Vehicles: Recreational vehicles placed on sites are required to either:

i. Be on the site for fewer than one hundred eighty (180) consecutive days,

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

iii. Meet the requirements of subsection (c) above and the elevation and anchoring requirements for manufactured homes.

f. Below-grade crawl spaces: Below-grade crawl spaces allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in sub-section ii (below). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

ii. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below

the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

v. The interior grade of a crawlspace below the BFE must no be more than two (2) feet below the lowest adjacent exterior grade.

vi. The height of the below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

viii. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

Before Regulatory Floodway: In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

F. Floodways. Located within areas of special flood hazard established in subsection (C)(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Except as provided in subsection (F)(3), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection (F)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (E).

3. Projects for stream habitat restoration may be permitted in the floodway provided:

a. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,

b. A qualified professional (a registered professional engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in one hundred-year flood levels as close to zero as practically possible given the goals of the project; and

c. No structures would be impacted by a potential rise in flood elevation; and,

d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

4. New installations of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one (1) of the following conditions:

a. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

b. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

i. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

ii. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of eighteen (18) inches (forty-six (46) centimeters) above the BFE as identified on the flood insurance rate map;

iii. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;

iv. The replacement manufactured dwelling, its foundation supports and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in water level or diverts water in a manner that causes erosion or damage to other properties;

v. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and

vi. Any other requirements deemed necessary by the authority having jurisdiction.

G. Variance Procedure.

1. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of the flood hazard provisions of this division. The Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. Upon consideration of the foregoing factors and the purposes of this division, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this division.

3. The City Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4. Conditions for Variances.

a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (G)(1) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Place or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense; create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential and comply with other variance criteria.

h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and

that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2010-1099, § 1, 2-1-2010; Ord. 2003-1038 (part))

10.76.020 Parking and loading.

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area necessary to the functioning of the particular use but shall exclude restrooms, hallways and storage areas. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

A. Design and Improvement Requirements for Parking Lots.

1. All parking areas and driveway approaches other than residential shall have a hard surface such as asphalt or concrete. Residential driveway approaches shall have a hard surface such as asphalt or concrete for a minimum distance of fifteen (15) feet back from the curb. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall require grading plan approval from the City Engineer.

2. Parking areas for other than single- and two-family dwellings shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.

3. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over adjacent property or a public right-of-way.

4. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

5. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.

6. Standard parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet. Spaces for compact cars shall be a minimum of eight (8) feet by sixteen (16) feet.

7. No more than twenty-five (25) percent of spaces required for a structure or use shall be sized for compact cars.

8. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Community Development Planner.

9. Accessible parking spaces shall be required in accordance with ORS 447.210 to 447.280.

B. Off-street parking spaces for all uses shall be located on the same lot as the use they serve. If the lot size is inadequate, the owner may obtain the required off-street parking spaces through purchase, lease or a joint agreement with another landowner provided that:

1. The parking facility is located in the same or less restricted use zone;

2. The parking facility shall be no further than four hundred (400) feet from the building or use required to have the parking facility;

3. Substantial written proof of a lease or a joint use agreement be presented to the City Manager. In the event of a joint agreement, owners of two (2) or more uses, structures or

parcels of land may agree to use the same parking spaces jointly, provided the hours of operation do not overlap.

C. Credit may be given for required off-street spaces if a public parking lot is within four hundred (400) feet of the proposed use and only if it has been determined by the City Manager or his designee that no other alternatives exist to provide the required spaces on site.

D. The provision and maintenance of off-street parking spaces and landscape are continuing obligations of the property owner. No building, zoning or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this division.

E. Should the owner or occupant of a lot or building change or increase the use to which the lot or building is put, thereby increasing by more than two (2) spaces the number of spaces needed to meet the requirements of this division, it shall be unlawful and a violation of this division to begin or maintain such altered use until the required increase in off-street parking is provided.

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

G. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use and shall not be used for sale, repair or servicing of any vehicle.

H. In any residential district, all off-street motor vehicles incapable of movement under their own power (except in an emergency) shall be stored in a garage, carport or completely screened place.

I. Space requirements for parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building excluding restrooms, hallways and storage areas.

USE		SPACE REQUIREMENT
Residential:		
1.	Single-family and two-family dwelling	2 spaces per dwelling unit
2.	Multiple-family dwelling	3 spaces per 2 dwelling units
3.	Motel or hotel	1 space per guest room and 1 additional space for the owner or manager
4.	Mobile home park	2 spaces per dwelling unit and 1 guest space for each 5 mobile home spaces
Institutional:		
5.	Hospital, nursing home	1 space per 2 beds

6.	Retirement center	1 space per 2 dwelling units
7.	Assisted living facility	1 space per 2 dwelling units
Places of Assembly:		
8.	Church	1 space for 4 seats or every 8 feet of bench length in the main auditorium or 1 space per 50 square feet of floor area in main auditorium if there is no fixed seating
9.	Library, reading room, museum and art gallery	1 space per 400 square feet of floor area plus 1 space per employee
10.	Preschool, nursery, kindergarten, child care center	2 spaces per teacher; plus off-street loading and unloading facility
11	Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the main auditorium, whichever is greater
12.	High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
13	Other auditorium, lodges	1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating
Commercial:		
14.	Stadium, arena, theater	1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating
15.	Bowling alley	5 spaces per alley plus 1 space per 2 employees
16.	Dance hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees

17	Retail store except as subsection (I)(2) of this section	1 space per 200 square feet of floor area, plus 1 space per employee
18.	Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area plus 1 space per employee
19	Bank, office (except medical and dental)	1 space per 600 square feet of floor area plus 1 space per employee
20.	Medical and dental clinic	1 space per 300 square feet of floor area plus 1 space per employee
21	Eating or drinking establishment	1 space per 100 square feet of floor area
22	Mortuaries	1 space per 4 seats or every 8 feet of bench length in chapels, or 1 space for each 50 square feet of chapel area if there is no fixed seating
Industrial:		
23	Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee
24.	Wholesale establishment	2 spaces per employee plus 1 space per 700 square feet of patron serving area
25	Sports, health and indoor recreation facilities	1 space per 300 square feet
26	Outdoor recreation	Subject to site plan review

J. Other uses not specifically listed above shall be determined by Community Development Planner and such determination shall be based upon the requirements for the most comparable building or uses specified herein. A decision of the director may be appealed to the Planning Commission.

K. An engineered plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a building permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

1. Access to streets, alleys and properties to be served;
2. Circulation area necessary to serve spaces;
3. Curb cuts;
4. Delineation of individual parking spaces;
5. Delineations of all structures or other obstacles to parking and circulation on the site;
6. Dimensions, continuity and substance of screening;
7. Grading, drainage, surfacing and subgrading details;
8. Specifications as to signs and bumper guards.

L. Off-Street Loading.

1. Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
2. Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this division shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
3. Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross area of at least ten thousand (10,000) square feet shall provide and maintain at least one (1) off-street loading space plus one (1) additional off-street loading space for each additional twenty thousand (20,000) square feet of gross floor area. Each loading space shall be not less than ten (10) feet wide, twenty-five (25) feet in length with fourteen (14) feet of height clearance.

M. The provisions and maintenance of off-street parking and loading spaces shall be continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this division.

N. Use of property in violation hereof shall be a violation of this division. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this division to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

O. Bicycle Parking.

1. Bicycle parking facilities shall be provided as part of new multifamily residential developments of four (4) units or more and new retail, office and institutional developments with more than ten (10) vehicle parking spaces as follows:

Use	Standard
Multifamily residential 4+ units	1 space per dwelling unit

Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

2. Bicycle parking for multifamily developments may be located within garage, storage shed, basement, utility room or similar area.
3. Bicycle parking for retail, office or institutional uses shall be conveniently located with respect to the street and building entrance, but not impede or create a hazard to pedestrians (at least thirty-six (36) inches between bicycles and other obstructions or buildings).

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part); Ord. 2003-1038 (part))

10.76.024 Access standards.

A. Access onto State Highways.

1. ODOT has responsibility and authority in managing access to state highways. This section outlines the city coordination process with ODOT when an ODOT access permit for direct access to a state highway is required. The city of Reedsport will:
   a. Provide applicants with information related to the need for a state access permit;
   b. Refer land use permits with direct access to state highways to ODOT; and
   c. Require applicants to provide either authorization of an approved state access permit, or a state access permit, prior to a land use application or permit being considered complete.
2. If the applicant and ODOT cannot agree on an access permit, the permit or application will not be accepted as complete.
3. If the applicant agrees to specific conditions for the access permit, the agreement may be referenced in the city's land use decision.

B. Access onto City Streets.

1. No new driveway shall be allowed within one hundred fifty (150) feet of a collector/arterial intersection. Existing lots or parcels that cannot meet these standards shall be limited to one (1) access point per lot.
2. New driveway accesses onto neighborhood or local streets shall be at least twenty-five (25) feet from a curb return, stop bar or crosswalk at a street intersection.
3. Each new access point (street or driveway) should have an access report demonstrating that the street/driveway is safe as designed and meets adequate stacking, site distance and deceleration requirements as set by ODOT, Douglas County and AASHTO.
4. The city may require the closing or consolidation of existing driveways or other vehicle access points, the recording of reciprocal access easements (i.e., for shared driveways), installation of traffic control devices or other mitigation measures as a condition of approval.
5. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part))

10.76.026 Transportation standards.

A. Transportation Facilities Permitted Outright.

1. The following transportation facilities, services and improvement are permitted outright provided they are consistent with the adopted transportation system plan:

   a. Operations, maintenance and repair of existing transportation facilities;

   b. Improvement projects identified in the adopted transportation system plan;

   c. Dedication of right-of-way and the construction of facilities and improvements, where the improvements are consistent with the street standards.

2. Transportation facilities or improvements, including those identified in the transportation system plan, subject to additional standards, such as flood hazard, steep slope hazards, significant natural resources, or estuarine and coastal shoreland areas shall require permit approval of the Planning Department.

3. Transportation facilities or improvements that are not identified in the transportation system plan or not a part of an approved subdivision or partition shall be considered conditional uses subject to the following standards:

   a. The project is consistent with the transportation system plan, in terms of the identified function, capacity and performance standards of the surrounding transportation system.

   b. The project is compatible with abutting land uses in regard to noise and public safety.

   c. The project minimizes environmental impacts compared to other practicable alternatives that meet the same transportation need.

   d. Projects that are not consistent with the transportation system plan must be modified or approved through a comprehensive plan amendment to modify the transportation system plan.

B. Coordination of Development Review. The city will provide written notice and opportunity to comment to ODOT and Douglas County for the following land use applications or building permit reviews: reviews that involve a public hearing; land divisions; developments that affect access to a public street or are expected to generate more than three hundred (300) trips per day; zone changes or comprehensive plan amendments.

C. Transportation Impact Study (TIS) Requirements.

1. Land divisions with more than thirty (30) lots and proposed developments that are expected to generate three hundred (300) or more daily trips shall evaluate the transportation impacts in a transportation impact study (TIS). Such evaluations shall be prepared by a professional engineer or if required by state regulation, a professional transportation engineer at the developer's expense. The TIS shall evaluate the access, circulation and other transportation requirements. The scope of the TIS shall be established by the City Engineer to address issues related to a specific development proposal. If the land use will affect a state highway or county road, then ODOT and/or Douglas County should be consulted on the scope of the TIS.

2. Projects that generate less than three hundred (300) daily trip ends may also be required to provide traffic analysis when, in the opinion of the City Engineer, there is a capacity problem and/or safety concern that is caused or is adversely impacted by the development. The City Engineer shall determine the scope of this special analysis.

3. Trips shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 7th Edition (or subsequent documents updates), or trip generation studies of comparable uses prepared by an engineer and approved by the Department of Community Services.

4. Level of Services (LOS). The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume to capacity ratio. State highways shall continue to operate according to the standards in the Oregon highway plan. Street intersections shall maintain a LOS of "D" during the PM peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if these intersections are found to operate safely.

5. Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval. The mitigation measures shall be implemented prior to the final inspection of the building permit for the development.

6. Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

D. Development Standards.

1. Streets within or adjacent to a development site shall be improved in accordance with the Reedsport transportation system plan. The applicant may be required to dedicate adequate public right-of-way and improvements consistent with the functional classification of the adjacent roadway as designated in the Reedsport transportation system plan and as shown in the following table:

	Functional Class					
	4-Lane Arterial	3-Lane Arterial	Collector	Neighborhood	Local	Alley
Travel lane width	48 ft. (4×12 ft.)	24 ft. (2×12 ft.)	20 ft. (2×11 ft.)	20 ft. (2×10 ft.)	20 ft. (2×10 ft.)	20 ft (2×10 ft.)
Center turn lane (14 ft.)	N/A	14 ft.	N/A	N/A	N/A	N/A
On-street parking (8 ft.)	N/A**	N/A**	16 ft.	16 ft.	8 ft.	N/A
Bike lanes (6 ft.)	12 ft.	12 ft.	N/A*	N/A	N/A	N/A
Sidewalks (6 ft.)	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	N/A
Paved width	62 ft.	50 ft.	36 ft.	36 ft.	28 ft.	20 ft.
Utility easement	N/A	N/A	10 ft. 2×5 ft.	10 ft. 2×5 ft.	10 ft. 2×5 ft.	N/A

Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	6%	6%	15%	15%	20%	20%
Minimum center line radius	400 ft.	400 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Minimum angle of street intersections	80º	80º	80º	80º	80º	80º
Minimum distance between street intersections (same side)	400 ft.	400 ft.	300 ft.	300 ft.	200 ft.	N/A
Minimum distance between street intersections (opp. side)	300 ft.	300 ft.	200 ft.	200 ft.	100 ft.	N/A
Minimum right-of-way width	102 ft.	78 ft.	70 ft.	58 ft.	50 ft.	20 ft.

Notes:

* Six (6) foot bike lanes on each side of the street are not required unless traffic volumes exceed five thousand (5,000) vehicles a day.

** On-street parking on state highways is regulated by ODOT, not the city of Reedsport. "Business district" cross sections include on-street parking paved width.

2. Where appropriate and practicable, the existing street pattern in the immediately surrounding area should be extended onto the site;
3. Where appropriate and practicable, through streets should be provided not more than five hundred (500) feet apart;
4. Where appropriate and practicable, cul-de-sacs or dead end streets should generally not exceed two hundred twenty (220) feet in length and should generally not serve more than twenty-five (25) dwelling units.

E. Pedestrian Circulation.

1. Public sidewalks shall be installed as part of new subdivisions, multifamily developments and within commercial zones. The sidewalks shall extend throughout the development site, including parking areas, and connect to all future phases of development, adjacent schools, public parks and open space areas, whenever possible.
2. Internal Pedestrian Circulation. Developments shall provide sidewalks or pathways that provide safe, reasonable, direct and convenient connections between primary building entrances and all adjacent streets, based on the following standards:

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

b. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. For commercial, industrial, mixed use, public and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, connections shall be provided to the main employee entrance.

d. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one (1) dwelling.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part))

10.76.028 Landscaping, screening and buffering.

A. Purpose. The purpose of Chapter 10.76.028 is to promote community health, safety, and welfare by setting development standards for landscaping, screening, buffering and street trees. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community.

B. Applicability. Except for Temporary Uses, at the time of development of a new structure or at the time of enlargement or change in use of an existing structure, the requirements of this Chapter shall be provided in accordance with this section. Except for single-family and duplex dwelling uses, landscaping standards apply to commercial, industrial, public and semi-public facilities, and multi-family developments. Residential subdivisions that include street trees in the development shall comply with subsection (G) "Street Trees" and subsection (I) "Maintenance and Irrigation".

1. New developments shall meet all landscaping standards.

2. Expansion or modification of an existing development or change in use of an existing structure shall be brought up to current landscaping code requirement in the same proportion as the increase in use and/or building size.

C. Landscaping Plan. A landscape plan is required. All landscape plans shall include the following information:

1. The location and height of existing and proposed fences and walls, buffering or screening materials.

2. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

3. The location, size, and species of the new proposed plant materials (at time of planting).

4. Existing and proposed building and pavement outlines and property line boundaries.

5. Specifications for irrigation and anticipated planting schedule.

6. Other information as deemed appropriate by the City Planning Official.

D. Landscape Area and Planting Standards. The minimum landscaping area is five (5) percent of the lot area, unless the site has ninety-five (95) percent or greater building and off street parking area coverage, in which case the minimum landscaping area may be met with three (3) square feet of planter boxes and/or hanging plants for every twenty-five (25) feet of street frontage. Standards specified herein can be practically applied by the City Planning Official.

1. Except for sites with ninety-five (95) percent building and parking coverage, landscaping shall include planting and maintenance of the following minimum standards:

New Structure, Enlargement of an Existing Structure, or New Use on a Vacant Lot

a. One (1) tree per thirty (30) lineal feet as measured along all lot lines that are adjacent to a street.

b. Six (6) shrubs per thirty (30) lineal feet as measured along all lot lines that are adjacent to a street.

c. A minimum of fifty (50) percent of the required landscaped area and plant materials on-site shall be located in areas within the first twenty (20) feet of any lot line that abuts a street (where practical); plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design.

i. Where soils are no longer available due to existing paving or structures, planters or similar landscaping devices are allowed.

ii. Required trees may be located within the right-of-way and must comply with Section 10.76.028.H.

iii. Plantings and maintenance shall comply with the vision clearance standards of Section 10.76.080

Change in Use or Redevelopment of an Existing Structure

a. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design.

iv. Where soils are no longer available due to existing paving or structures, planters or similar landscaping devices are allowed.

v. Trees may be located within the right-of-way and must comply with Section 10.76.028.G.

vi. Plantings and maintenance shall comply with the vision clearance standards of Section 10.76.080

E. Buffering and Screening. Buffering and screening are required under the conditions listed below. Landscaped buffers may count toward meeting landscape area requirements.

1. Parking Areas. All parking areas shall provide:

a. A curb of not less than six (6) inches in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways, sidewalks or landscaping.

b. A four (4) foot landscaped area wherever it abuts street right-of-way, except for places of ingress and egress. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this subsection unfeasible, the City may approve other landscaped areas on the property in lieu of the required four (4) foot landscaped area.

2. Screening of Outdoor Refuse Containers, Outdoor Storage, Mechanical Equipment, and Other Screening When Required. All outdoor refuse containers, outdoor storage and manufacturing, outdoor mechanical equipment shall be screened from view from all abutting public streets and abutting Residential districts (abutting residential districts are those that lie directly adjacent to or share a boundary).

a. When these or other areas are required to be screened, such screening shall be provided by:

i. A decorative wall or fence (i.e., masonry, wood or similar quality material),

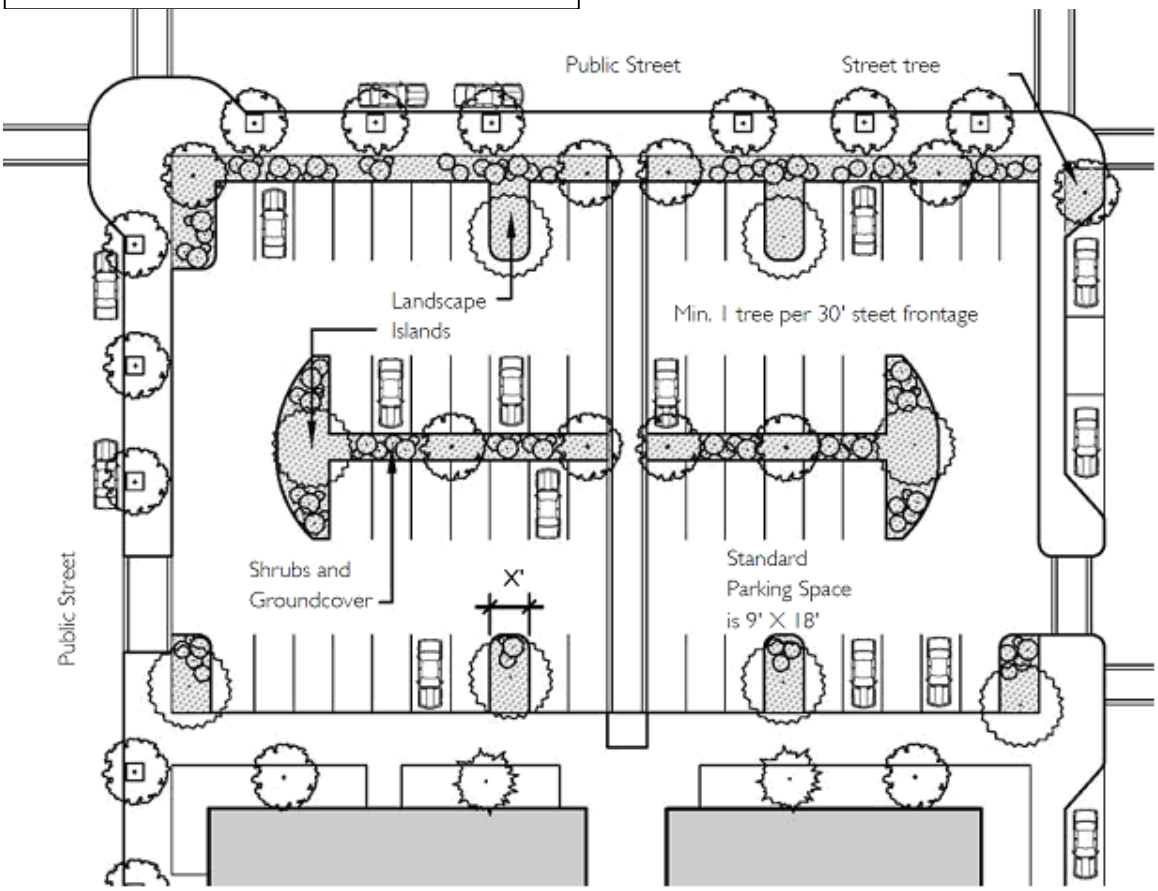
ii. Evergreen hedge, or

iii. A similar feature that provides a quality sight obscuring barrier.

b. Walls, fences, and hedges shall comply with the vision clearance requirements of Section 10.76.080

3. Abutting Land Use Buffers and Screening. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use (lies directly adjacent to or shares a boundary), a visual and noise buffer with screening shall be established and maintained immediately adjacent to the residential property line. In no case shall the buffer strip be less than twelve (12) feet in width unless reduced by the City where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Screening shall be provided with a solid fence or wall and/or evergreen hedge. Fence, wall and evergreen hedge shall be not less than six (6) feet and no more than eight (8) feet in height (also see Section 10.76.070).

Figure 1 General Landscape Areas (Typical)



F. Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in Section 10.76.020 "Parking and Loading." Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10.76.028.D. The following standards apply:

1. Parking islands shall be evenly distributed to the extent practicable with a minimum of one (1) tree installed per island;

2. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of five (5) feet high from the ground) to ensure pedestrian access.

G. Street Trees. Street trees are trees located within the right-of-way. Permission from the applicable jurisdiction, the City or the Oregon Department of Transportation, is required prior to installation of street trees. When street trees are installed, the following standards apply.

1. Street Tree Selection. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Street tree species selection must receive City approval prior to installation.

2. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one-half (1½) inches with a high graft (lowest limb a minimum of five (5) foot high from the ground) to ensure pedestrian access.

3. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utilities prohibit installation in these locations. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of Section 10.76.080

4. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three (3) years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three (3) years after planting, after which the adjacent property owners shall maintain the trees.

H. Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant.

I. Maintenance. If the plantings fail to survive, the property owner shall replace them within one hundred twenty (120) days with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

(Ord. No. 2015-1139, § 2, 1-5-2015)

10.76.030 Temporary uses.

A. Purpose. The purpose of these regulations is to provide standards for the establishment of temporary businesses and/or uses within the City. A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature. All temporary structures are required to have appropriate state and local businesses licensing.

B. Review procedure. Applications for temporary uses shall be reviewed as ministerial decisions, unless otherwise specified within this section. The following information shall be provided:

1. The applicant for a temporary use shall submit a competed application with site plan on a form provided by the city.

2. The applicable fee for processing the application, as determined by the current fee resolution set by City Council.

C. Review criteria. The Planning Director shall approve or deny a temporary use application for the following types of temporary uses, based on the corresponding criteria being met:

1. Seasonal or special events and uses.

   a. This use occurs for a period not to exceed the limits outlined in subsection (D) (unless approved upon review by the Planning Commission);

   b. The use is provided for similar to a use as outlined subsection (D) and does not violate any previous land use decision for the property;

   c. The use conforms with all other provisions of this division and does not conflict with City plan or policy;

   d. Off street parking shall be provided for all vehicles associated with the gathering

   e. The use does not create adverse impacts, including but not limited to, vehicle traffic, noise, odors, vibrations, glare or lights;

   f. Signs are allowed in conjunction with the temporary use, as specified in Section 10.76.040 Signs, and shall run concurrent with the duration of the use;

   g. The applicant shall be responsible for maintaining all required licenses and permits (e.g. city businesses license, food handlers license, liquor license);

   h. Any structure, included as part of the temporary use, must be a temporary structure (self-contained, where applicable) and comply with all building codes and must be removed or stored appropriately upon cessation;

   i. The applicant must provide a method for waste disposal and provisions for sanitation; and

   j. The applicant shall provide adequate insurance for the event and be responsible for any incident of trespass or vandalism on adjacent or nearby properties.

2. Recreational vehicles or mobile homes used as residential quarters during construction.

   a. Refer to Section 10.16.020 for requirements.

3. Temporary Office.

   a. The temporary office shall be operated within a pre-fabricated structure that is constructed for movement on the public highway;

   b. The temporary office must comply with applicable buildings codes;

   c. The temporary office must remain road ready with chassis, wheels and trailer tong attached;

   d. The parking requirements of Section 10.76.020 have been met.

4. Temporary Commercial Vendor.

   a. The temporary commercial vendor shall be operated using pre-fabricated structure that is constructed for movement on the public highway or from a temporary structure designed to be constructed and removed in one (1) day;

   b. Pre-fabricated structures for the sale of food or beverages must be licensed by the state and operators of the use must have a County Health Department license for food and beverage handling;

   c. The temporary commercial vendor must remain road ready with chassis, wheels and trailer tong attached;

   d. The temporary commercial vendor can be served by public utilities via quick disconnect only;

   e. The applicant must provide adequate solid waste disposal and sanitation facilities if not able to be provided by an adjacent building; and

   f. Parking requirements as provided for in Section 10.76.020 must be met.

D. Duration and Zone. The following uses may be allowed on a temporary basis as set out under Maximum days allowed and in the corresponding zone designation(s).

Type of use	Maximum days allowed (consecutively, in a calendar year)	Allowable Zone(s)
Christmas tree sales lots	60	C2, PL, CMU
Fireworks sales stands	60	C2, PL, CMU
Circuses, carnivals, fairs, animal & amusement rides	30	C2, PL, CMU
Recreational vehicle during construction	180	RA, R1, R2, C1*
Farmers markets	180	C2, PL, CMU
Individual agricultural product sales stands (vegetable stands)	90	C2, PL, CMU
Construction trailers (office)	180	C2, PL, CMU
Film production studio and trailers	180	C2, PL, CMU
Temporary Commercial Vendors	180	C2, PL, CMU
Other similar temporary uses to the types listed above, at the discretion of the Planning Commission.	TBD	TBD

* Only allowed during construction of a single family dwelling.

E. Lapsing of Approval. An approval for the temporary use by the Director shall lapse if construction or activity on the site is a departure from the approved plan.

F. Renewal. A temporary use permit for the same activity, on the same site may be renewed automatically, upon application, within one (1) year of the expiration date of the previously approved temporary use permit. However, a temporary use permit for a new or different activity on the same site as a previously approved permit shall be processed as a new application.

G. Compliance. At any such time after approval of the application, if the Planning Staff has cause to question the applicant's compliance with the criteria and conditions set forth in this division, the matter shall be referred to the Planning Commission for review.

The Planning Commission may void any temporary use permit for noncompliance with the criteria and conditions set forth in this division.

H. Exemptions. The following exemptions apply to Section 10.076.030:

1. Garage sales are exempt from all requirements of this section.

   a. Refer to Chapter 7.16 for Garage sale requirements.

2. Non-profit organizations with proof of tax exempt status are also exempt from the applicable fee for a temporary use permit.

3. No fee shall be assessed for events and gatherings in the (PL) Public/Semi Public Land zone.

(Ord. No. 2015-1139, § 2, 1-5-2015)

Editor's note— Ord. No. 2015-1139, § 2, adopted January 5, 2015, repealed and replaced § 10.76.030 in its entirety. Former § 10.76.030 pertained to home occupation and was derived from Ord. No. 2003-1038 (part).

10.76.040 Signs.

A. Purpose. The provisions of this section are intended to provide an orderly process governing sign placement, alteration and design; establish clear and concise definitions of types of signs; and provide uniform sign standards and fair and equal treatment of sign users.

B. Sign Permits. A sign permit is required for the erection of any new sign or the structural alteration of an existing sign, except those signs that are classified exempt (non-regulated or temporary) in this division. Application shall be made on forms furnished by the city.

Permits shall be issued only to the sign contractor, the owner, or authorized agent of owner of the business or property.

C. Regulated/Permitted Signs.

1. Animated sign;
2. Awning/canopy;
3. Bulletin/reader boards (non-moving);
4. Electronic reader/message boards (intermittent movement);
5. Free standing sign;
6. Marquee sign;
7. Mural signs;
8. Nameplate signs;
9. Nonconforming sign;
10. Off-premise signs;
11. Outside wall sign;
12. Permanent banners/flags (attraction devices);
13. Projecting sign;
14. Suspended signs.

D. Non-Regulated Signs.

1. Flags;
2. Incidental signs (i.e., no parking, emergency, loading, telephone, restrooms, directional and informational for public facilities, traffic, etc.);
3. Interior signs;
4. Interpretive signs;
5. Memorial signs and plaques;
6. On-premises holiday decorations (in season);
7. Temporary window signs (i.e., sales, specials, etc.);
8. Time and temperature;
9. Menu signs (under forty-eight (48) square feet);
10. Window signage.

E. Temporary Signs.

1. Attraction device signs (i.e., clusters of pinwheels, pennants, balloons, kites etc.);
2. Banners;
3. Construction signs;
4. Garage sale signs;
5. Out of business signs;
6. Political signs;
7. Public event signs;
8. Real estate signs (i.e., for sale, sale pending, etc.);
9. Special sale or message sign;
10. Special event signs.

F. Prohibited Signs.

1. Billboards;
2. Electronic reader/message board (continuous movement);
3. Moving and flashing signs and/or devices (other than emergency or traffic safety oriented);
4. Obscene or indecent signs;
5. Signs that create vision obstruction;
6. Signs interfering with traffic;
7. Vehicles used as signs;
8. Roof signs as defined in this division (other than qualified nonconforming signs).

G. Sign Definitions.

"Animated sign" means any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

"Attraction device sign" means any device intended to draw attention to a specific activity (i.e., banners, balloons, kites, lights, pennants, etc.).

"Awning/canopy" means any structure made of cloth, metal, vinyl or similar material with a metal frame attached to a building and projecting over a public way or entrance.

"Awning/canopy sign" means any sign where the name/message/image is incorporated into the awning.

"Billboards" means a freestanding sign which has a single face greater than two hundred (200) square feet in area.

"Bulletin/reader boards" means a sign so designed that the message may be changed by the removal or addition of specially designed letters that attach to the face of the sign.

"Electronic reader/message boards (intermittent movement)" means a sign on which the only movement is a periodic automatic change of message on a lampbank, use of fiber optics or through mechanical means.

"Electronic reader/message board (continuous movement)" means any sign that displays a message in continuous movement.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Free standing sign" means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure (i.e., pole) shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

"Incidental sign" means a sign generally informational that has a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

"Interior signs" means any sign on the inside of a building not intended to be seen from outside.

"Interpretive sign" means a non-commercial sign that conveys an educational message.

"Mansard" means a roof having two (2) slopes on all sides with the lower slope steeper that the upper one.

"Mansard sign" means any sign attached to and made part of a mansard.

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

"Marquee sign" means any sign attached to and made part of a marquee.

"Menu sign" means an outdoor sign advertising bill of fare and prices for restaurants with drive-through windows.

"Moving/flashing sign" means a sign (other than emergency type sign) incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which can change color or intensity of illumination. "Moving/flashing sign" does not include electronic message centers with intermittent movement.

"Mural" means a painted wall highlight or painted wall decoration intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. A mural is absent any message, and/or business identification.

"Mural signs" means a mural as described above with the added feature of a message, business identification and/or lettering. (See general requirements).

"Name plate sign" means non-illuminated, single-faced, wall mounted name plates indicating only the name, address and occupation of the occupant.

"Nonconforming sign" means a sign existing at the effective date of the adoption of the [ordinance co]dified in this division which could not be built under the terms of this division.

"Obscene or indecent signs" means any sign displaying obscenity, nudity, sex, etc. in State ORS Chapter 167.

"Off-premise sign" means any sign placed at a site other than the location of where the activity the sign advertises takes place.

"Outside wall sign" means any sign attached to, erected against, or painted on the wall of a building or on the face of a marquee with the face in a parallel plane of the structure to which it is attached.

"Portable sign" means any mobile or portable sign or sign structure not securely attached to the ground or to any other structure. (i.e., sandwich board signs).

"Projecting sign" means any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

"Roof sign" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

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

"Vehicle sign" means signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.

"Vehicle used as a sign" means the primary use of a vehicle is as a sign rather than transportation.

"Window sign" means any sign, pictures, symbol, message or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

H. General Sign Requirements.

1. Abandoned Signs. Except as otherwise provided in this section, any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months, or any sign which pertains to a time, event, product or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner or agent of the owner of the sign and/or premises. An extension of time for removal of signage of an abandoned business may be granted by the Planning Commission upon request filed by the legal owner or agent of the owner of the premises or the person in control of the business.

2. Awning/Canopy Signs. Only the square footage of the actual name/message/logo will be calculated as sign area based on the length of the longest message line and by the distance between the top and bottom message line.

3. Business License. No person shall engage in the business of hanging, rehanging, placing, constructing, installing or structurally altering, or relocating any sign except signs exempted in this division without first having obtained a city business license.

4. Double Frontage. Buildings which contain frontage on two (2) parallel arterial streets or on an arterial street and a waterway, shall be entitled to the maximum allowed sign area for each street frontage.

5. Maintenance. All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces and vegetation surrounding all signs shall be kept in a neat appearance.

6. Materials. A sign subject to a permit shall meet the material and construction method requirements of the state of Oregon Uniform Sign Code and/or the Uniform Building Code.

7. Maximum Height. The maximum height of all signs shall be no greater than thirty (30) feet above ground level.

8. Mural Signs. Mural signs will be calculated by the length of the longest message line and the height of the top and bottom lines to determine square footage.

9. Nonconforming Signs.

   a. Nonconforming signs are those signs lawfully installed prior to the effective date of the September 9, 1996 Revised Sign Code or signs on property annexed to the city which do not conform to the requirements of the amended ordinance codified in this division.

   b. Nonconforming signs shall not be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be moved in whole or in part to any other location where it would remain nonconforming. (See maintenance.)

   c. Prohibited signs existing prior to adoption of the ordinance codified in this division, advertising current business or use, will be considered nonconforming.

   d. Termination by Damage or Destruction. Any nonconforming sign and supporting structure damaged or destroyed by any means, to the extent of fifty (50) percent of its replacement cost (new) shall be terminated and shall not be restored.

10. Off-premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be placed. Off-premise advertising signs along Highway 101 and 38 are prohibited and not allowed through the variance process.

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this division without the approval of a variance.

11. Sign Placement. Signs or sign supporting structures shall not be located in such a manner as to create a vision obstruction to vehicular or pedestrian traffic or to other traffic, safety or emergency signs.

Signs or portions thereof shall not be so placed as to obstruct any fire escape or human exit from any portion of a building or ventilation.

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

All signs must be located on the same property on which the business activity is taking place, unless there is an approved variance for the off-premises sign.

Sign structures shall not be placed on the roof of a building, except as defined in this division. (See definition of roof sign.)

12. Temporary Signs. All temporary signs listed within this division shall be removed within sixty (60) days after placement or within seven (7) days after the election, project, sale of property or event being advertised.

13. Unsafe Signs. No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the building official shall find any sign so unsafe or insecure as to constitute a real and present danger to the public, a written notice shall be mailed to the last known address of the sign owner and the property owner. If such is not removed or altered so as to comply with the standards herein within thirty (30) days after such notice, the building official may cause such sign to be removed or altered to comply, at the expense of the sign owner or the property owner of the property upon which it is located. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

I. Residential Sign Standards. The following standards shall apply to signs in all residential zones.

No signage is allowed in residential zones except as follows and for those services only if properly allowed or legally offered on the premises:

1. The total square footage of temporary signs is limited to eight (8) square feet and shall be subject to general requirements as stated in this division.
2. One (1) nameplate not exceeding four (4) square feet.
3. One (1) lighted identification sign (excluding illuminated signs of flashing or animated type) not to exceed thirty-two (32) square feet per street frontage.

(Note: This requirement would include church, school, subdivision, mobile home park, bed and breakfast, and apartment complex signs.)

4. Freestanding signs in residential zones shall not exceed ten (10) feet in height.
5. One (1) nameplate not exceeding one and one-half (1½) square feet for each dwelling unit indicating the name of occupant and/or site address.

J. Commercial and Industrial Sign Standards.

1. C-1 (Commercial Transitional) Zone. Commercial transitional zone is a mix of residential uses with limited commercial land uses. The zone is intended to serve local neighborhood needs rather than provide full commercial services for the entire community.

Signs shall pertain solely to uses permitted and conducted within the zone in which it is located and shall be attached to the building within which such use is conducted or attached to the ground of the parcel of land on which such use is conducted.

a. The total square footage of temporary signs is limited to eight (8) square feet and shall be subject to general requirements as stated in this division.
b. One (1) identification sign (excluding illuminated signs of flashing or animated type) not to exceed thirty-two (32) square feet of sign area per street frontage.

K. Commercial (C-2), Light Industrial (M-1), Heavy Industrial (M-2), Water-dependent Industrial (M-3), Public/Semi-Public (PL) and Estuarine Development (ED) zones.

1. Interior Lots. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.
2. Corner Lots or Double Frontages.

a. Primary Frontage. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.
b. Secondary Frontage. The total aggregate area of all regulated (excluding temporary) signs shall not exceed fifty (50) percent of allowed formulated signage on primary frontage.

Primary and secondary frontages shall be designated by the applicant.

c. Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition the

shopping center shall be allowed one (1) freestanding sign (not to exceed one hundred fifty (150) square feet), which shall identify the center itself and may also identify businesses in the center.

3. For purposes of this division, the area of a sign shall be the maximum area of surface which can be seen at one (1) time from a single point of observation.

4. The total square footage of temporary signs is limited to sixteen (16) square feet and shall be subject to general requirements as stated in this division.

L. Permit Application Requirements. A sign permit is required for the erection of any new sign or the structural alteration of an existing sign. Signs that are classified exempt (nonregulated or temporary), changes to the sign face or non-structural maintenance of a sign are exempt from a sign permit.

1. A sign permit review fee shall be ten dollars ($10.00) for all regulated signs unless a building permit is required for a structural sign, in which case, the fee shall be as indicated by Uniform Building Code, or separate ordinance.

2. All applications for a sign shall be accompanied by a site plan that will show type of sign, size of sign, location of sign and materials to be used.

3. Application form will be supplied by city and will require the following:

a. Name, address and telephone number of the applicant;

b. Name of person, firm, corporation or association erecting the structure;

c. Name of owner of the building, structure of land on which the sign will be placed.

4. All sign permits shall be required to have signed approval by the Community Development Planner and City Building Inspector.

5. All permits must have a site review before and after by city staff and/or Building Inspector.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2008-1081; Ord. 2003-1038 (part))

10.76.050 Mobile home and recreational vehicle parks.

Mobile home and recreational vehicle parks may be permitted in certain zones as a conditional use, provided it meets the requirements of Oregon Revised Statues Chapter 446 and the standards of the Building Codes Division of the State of Oregon Department of Commerce and the Health Division of the State of Oregon Department of Human Resources.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.060 Levee limitations.

Levee and flood wall design and encroachment shall be consistent with the standards and procedures of the U.S. Army Corps of Engineers.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.070 Fences, hedges, walls and screening.

A. Residential Area.

1. Any view-obscuring fence, wall, hedge or screening located in the required front yard or the required street side yard shall not exceed two and one-half (2½) feet in height measured from the top of curb or existing street centerline grade where no curb exists.
2. Any non-view-obscuring fence, wall, hedge or screening located in the required front or required street side yard shall not exceed three and one-half (3½) feet in height measured from the top of curb or existing street centerline grade where no curb exists.
3. No fence, wall, hedge or screening which serves as a side and rear yard enclosure shall exceed six (6) feet in height.

B. Commercial and Industrial Areas. Fences or walls not to exceed eight (8) feet in height may be located in any yard except where the requirements of vision clearance apply.

C. General.

1. No person shall install, maintain or operate any electric fence along a sidewalk or public way or along the adjoining property line of another person.
2. No person shall construct or maintain any barbed wire fence unless such fence is used for agricultural purposes or unless the barbed wire is placed above the top of a non barbed-wire fence which is not less than six (6) feet in height.
3. No fence, wall, hedge, screen or landscaping appurtenances shall be planted or constructed within the public right-of-way in a manner or location that will be detrimental or hazardous to the public or that will interfere with or violate the vision clearance requirements established for corner lots in Section 10.76.080
4. Screening shall exclude natural vegetation except under Section 10.76.080 or where it may cause vision obstruction or safety hazard.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.075 Cluster box unit placement.

Purpose. The purpose of these regulations is to provide standards for the placement of Cluster Box Units (also referred to as Centralized Mailbox Units by the United States Postal Service) that comply with the provisions of the Americans with Disabilities Act and implementing federal regulations and the existing accessibility provisions within the State of Oregon Structural Specialty Code.

A. Review Procedure. Applications for the placement of Cluster Box Units (CBUs), not in conjunction with the development of a subdivision, shall be reviewed as an administrative decision, unless otherwise specified within this section.

Upon receiving application for a CBU, the Planning Director shall send written notification of the applicant's intent to all property owners (within one hundred (100) feet) of the proposed installation site and proposed recipients of service (list to be provided with addresses with the application), at least fifteen (15) days prior to the review and determination.

Notice shall also be provided to the Police Chief, Fire Chief, and City Engineer for comments.

Upon the conclusion of the fifteen (15) days the Planning Director shall review and issue a decision or refer the matter to the Planning Commission for review and decision.

B. Submittals. The following information shall be provided:

1. The applicant for a CBU placement shall submit a competed application and site plan on a form provided by the City, which includes the general requirements of a site plan, as well as:
   a. A plan view clearly depicting location and horizontal dimensions of required turning spaces and access routes.

b. Design running slopes and cross slopes for any curb ramps, blended transitions, and turning spaces.

2. The applicable fee for processing the application, as determined by the current fee resolution set by City Council.

3. An approved Encroachment Permit for placement of a CBU within the City right-of-way.

C. Review Criteria. The Planning Director shall approve, approve with conditions, or deny a CBU placement application based on the following criteria being met:

1. Location. CBU locations shall be coordinated with the United States Postal Service and shall not be permitted in the following locations:

a. Where the adjacent street slope exceeds ten (10) percent.

b. Within the areas seventy-five (75) feet upstream from an intersection or fifty (50) feet downstream from an intersection.

c. Boxes shall not be located on arterial or collector streets.

d. CBUs are not permitted in any other location where they are determined by the City to present a safety hazard.

2. Accessibility.

a. Turning Space. A concrete accessible turning area (six-foot-minimum by six-foot-minimum) shall be provided at the front of each CBU and shall be permitted to overlap other turning spaces and the public sidewalk. The running slope and cross slope of the turning space shall not exceed two (2) percent.

b. Access to Pedestrian Circulation. An accessible route shall connect the turning space to an ADA compliant public sidewalk.

c. Access to the Street. A pedestrian access route shall be provided within fifty (50) feet from the vehicular way to the turning space at the CBU.

3. Oregon Structural Specialty Code. CBUs shall comply with all other accessibility standards of the State of Oregon Structural Specialty Code, Section 1111.

4. Construction Timing. For new developments, all requirements of this section shall be constructed prior to city acceptance of street improvements.

D. Lapsing of Approval. An approval for the placement of a CBU by the Director shall lapse if construction does not begin within one (1) year of approval. However, an extension of time may be granted by the Planning Director upon timely written request.

E. Compliance. At any such time after approval of the application, the Planning Staff has cause to question the applicant's compliance with the criteria and conditions set forth in this division, the matter shall be referred to the Planning Commission for review.

The Planning Commission may void any CBU placement permit for noncompliance with the criteria and conditions set forth in this division.

(Ord. No. 2015-1139, § 2, 1-5-2015)

10.76.080 Vision clearance.

A. Establishment of Clear Vision Areas. In all zones a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the

established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

B. Measurement of Clear Vision Areas. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides. The following measurements shall establish clear vision areas:

R-1	15 feet on streets	7-½ feet on alleys
R-2	15 feet on streets	7-½ feet on alleys
R-A	20 feet on streets	7-½ feet on alleys
C-1	15 feet on streets	7-½ feet on alleys

C-2, C-3. Vision clearance for corner lots on streets with widths of less than sixty-six (66) feet shall be a minimum of one (1) foot vision clearance for each foot of street width under sixty-six (66) feet; provided that a vision clearance of more than ten (10) feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight (8) feet.

M-1, M-2, M-3. Vision clearance shall be negotiated upon the submittal of a plot plan for corner building sites with Planning Commission.

C. Exceptions. The foregoing provision shall not apply to public utility poles, trees (trimmed to the trunk, to a line at least eight (8) feet above the level of the intersection), saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to permanent buildings existing on the date the ordinance codified in this division becomes effective; official warning signs or signals; places where the contour of the ground is such that there can be no cross visibility at the intersection; or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined in subsection (B).

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.090 Building heights.

A. Height Limits Established for the Various Zones Refer to Height of the Building Proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

B. On lots sloping down hill from the street, buildings may have an additional story, provided that the ceiling of the lowest story is not more than two (2) feet above the average curb level along the front of the lot.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.100 Building setbacks.

A. Front Yard.

1. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half (3½) feet high may be built within a front yard.

2. When the master road plan or zoning plan indicates that a street is to be opened or widened, the setbacks required shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise.

3. Setbacks from Half Dedications of Streets. When a subdivision plat has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-width dedicated streets, but not within the subdivided tract, shall be a minimum of the required setbacks for the zone in which it is located and not less than thirty (30) feet nor less than the width of the half dedication of the street.

B. Side Yard.

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than thirty-six (36) inches.

2. When the master road plan or zoning plan indicates that a street is to be opened or widened, the side yard setback required along a side street shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.110 Access.

Every lot shall abut a public street, other than an alley, for at least twenty-five (25) feet.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.120 Historical resources.

The purpose of this Historical Resources Section is to implement the resource goals and policies of the Reedsport comprehensive plan.

A. Designation of Historic Resources. In order to qualify as a site, structure or object having historical significance under the provisions of this division, it must be recommended for such status by the State Advisory Committee on Historic Preservation, and if it is not proposed by the landowner, it must meet the standards and criteria of the National Register of Historic Places. If it is a structure, it must meet the following additional standards:

1. It was used for an activity or was the site of events having important historic significance; or it contains unique architectural features of historic significance or was designed by a person whose work has influenced architectural design on a national, statewide or regional basis.

2. The historical significance must have existed for at least fifty (50) years.

3. There must not have been any significant alteration in the design or architectural features of the structure since it acquired historical significance.

4. The historical significance must relate directly to the site, structure or object, rather than being associated with or in the proximity of a historic event, property or person.

B. Authorization to Grant or Deny Alterations or Demolition of Historical Buildings. The Planning Commission may authorize the alteration, moving, renovation, demolition or change of use of any site, structure or object which has been determined by the City Council to have local, regional, statewide or national significance.

C. Circumstances for Granting a Permit. Whenever application shall be made for the alteration, moving, renovation, demolition or change of use of any historical site, and before any permit shall be issued, the following procedures shall be taken:

1. The applicant for a permit shall present to the Community Development Planner, information concerning the proposed action, and the Community Development Planner shall make findings and recommendations to the City Planning commission which shall include the following:

a. Whether the site, structure or object has maintained the characteristics for historic significance;

b. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare;

c. Whether historical significance will be substantially affected by the proposed change;

d. Whether the financial or other hardship to the owner in preserving the historical significance is outweighed by the public interest in preserving historic values;

e. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out;

f. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences on the public and private interests involved;

g. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Commission.

2. After receiving a report from the Community Development Planner, the City Planning Commission shall hold a hearing after not less than twenty (20) days written notice mailed or delivered to the affected property owners.

3. The City Planning Commission shall receive evidence concerning the issuance of the permit and it shall make a determination of the matter, which may include determination that historic significance no longer exists, that the interests of the owner outweigh the public interest involved, that historic values can be preserved by issuing the permit either with or without conditions, or that compensation should be awarded to the owner for losses sustained in preserving historic values. The Planning Commission may recess the hearing to a specific time prior to making its decision.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.130 Steep slope hazards.

The purpose of this section is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous areas is appropriately planned to minimize the threat to man's life and property.

For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks.

This section shall be applied to areas identified as subject to steep slope hazards by the Reedsport comprehensive plan. Prior to any development, the following measures shall be utilized:

A. Any proposed development on slopes greater than twenty (20) percent shall be reviewed to ensure site suitability. Such review shall be conducted as part of the building permit approval process. Unless the site is identified as a hazard area, the provisions of the Uniform Building Code, as adopted by the city of Reedsport for protection of the public health, safety and welfare, shall govern.

B. Any proposed development in an identified hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.

C. Conditions may be imposed at the time of approval to ensure site and area stability and may include, but are not limited, to the following:

1. Maintenance of vegetation and avoidance of widespread destruction of vegetation;

2. Careful design of new roads and building with respect to:

a. Placement of roads and structures on the surface topography,

b. Surface drainage on and around the site,

c. Drainage from buildings and road surfaces,

d. Placement of septic tank seepage fields.

3. Careful construction of roads and buildings:

a. Avoid cutting toeslopes of slump blocks,

b. Careful grading around the site, especially avoiding oversteepened cut banks,

c. Revegetation of disturbed areas as soon as possible.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.140 Dredge spoils and mitigation sites.

Areas identified in the Reedsport comprehensive plan as dredge spoils and mitigation sites shall be protected and managed for that identified use.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.150 Significant natural resources overlay zone.

A. Purpose. The significant natural resources overlay zone is intended to provide protection for identified significant natural resources within the city of Reedsport as designated under Statewide Planning Goal 5 and Goal 17. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors under Goal 5, and Major Marshes and Riparian Vegetation under Goal 17. These resources have been inventoried within the city of Reedsport according to procedures, standards and definitions established under Goal 5 and Goal 17 and are identified on the significant natural resources map as adopted in the comprehensive plan.

The significant natural resources overlay zone is intended to ensure reasonable economic use of property while protecting valuable natural resources within the city of Reedsport's urban growth boundary. This division establishes clear and objective standards to protect these resources.

Significant wetlands and riparian areas provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; provide hydrologic control of floodwaters; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

B. Definitions.

"Bankfull stage" means the elevation at which water overflows the natural banks of the stream.

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

"Building envelope" means the land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

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

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

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

"Impervious surface" means any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

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

"Major marsh" means a wetland designated as significant under Statewide Planning Goal 17.

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

"Native vegetation" means plants identified as naturally occurring and historically found within the city of Reedsport.

"Natural resource enhancement" means a modification of a natural resource to improve its quality.

"Natural resource overlay" means designation given to all significant wetlands and riparian corridors indicated on the significant natural resources map.

"Nonconforming" means a structure or use that does not conform to the standards of this division but has been in continuous existence from prior to the date of adoption of this division up to the present. Nonconforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

"Non-significant wetland" means a wetland mapped on the city of Reedsport local wetlands inventory which does not meet the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July, 1996 or as amended), for Identifying Significant Wetlands. For additional criteria information please refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

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

"Review authority" means the city of Reedsport.

"Riparian area" means the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. For purposes of this division, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Riparian corridor" means a Goal 5 Resource that includes the water areas, fish habitat, adjacent riparian areas and wetlands within the riparian area boundary. For purposes of this division, riparian corridors are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Riparian boundary" means an imaginary line that is a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The city of Reedsport has adopted safe harbor setback methodology for identification.

"Shrubs" means woody vegetation usually greater than three (3) feet but less than twenty (20) feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.

"Significant natural resource" means significant wetlands and riparian corridors, major marshes and significant riparian vegetation within the city of Reedsport urban growth boundary and designated on the significant natural resources map.

"Significant wetland" means a wetland mapped on the city of Reedsport Local Wetlands Inventory which meets the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July 1996, or as amended), for Identifying Significant Wetlands. For additional criteria information refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

"State and federal natural resource agency" means the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and Department of Environmental Quality.

"Stream" means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding manmade irrigation and drainage channels. For purposes of this division, streams are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

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

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

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

"Trees" means a woody plant five (5) inches or greater in diameter at breast height and twenty (20) feet or taller.

"Top of bank" means a distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the bankfull stage (the elevation at which water overflows the natural banks) of the stream.

"Variance" means a grant of relief from the requirements of this division which permits activity in a manner that would otherwise be prohibited by this division.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Based on the above definition, three (3) major factors characterize a wetland: hydrology, substrate and biota. For purposes of this division, wetlands are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Wetland boundary" means the edges of a wetland as delineated by a qualified professional.

C. Applicability.

1. Affected Property. The procedures and requirements of the significant natural resources (SNR) overlay zone:

   a. Apply to any parcel designated as having a significant natural resource as mapped in the comprehensive plan;

   b. Apply in addition to the standards of the property's underlying zone;

   c. Supersede the property's underlying zone where the underlying zone does not provide the level of significant natural resource protection afforded by the SNR overlay zone.

2. Activities Subject to Review. Activities subject to the review shall include all development on properties outlined in subsection (C)(1) and not specifically exempted from review as outlined in subsection (C)(3), including:

   a. Partitioning and subdividing of land;

   b. New structural development;

   c. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas;

   d. Site modifications including grading, excavation or fill (as regulated by the Oregon Division of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways or paths.

   e. Removal of trees or the cutting or clearing of any native vegetation within the significant natural resource beyond that required to maintain landscaping on individual lots existing on the effective date of the ordinance codified in this division, and removal of diseased or damaged trees that pose a hazard to life or property.

   f. Planting of native plants only within the significant natural resource area and related setbacks. A list of native plants can be obtained at City Hall and/or from a source approved by the Reedsport Planning Commission.

3. Exemptions. Activities exempt from this division include:

a. The sale of property;

b. Temporary emergency procedures necessary for the safety or protection of property;

c. Commercial forest practices regulated by the Oregon Forest Practices Act;

d. Normal and accepted farming practices other than the construction of buildings, structures or paved roads;

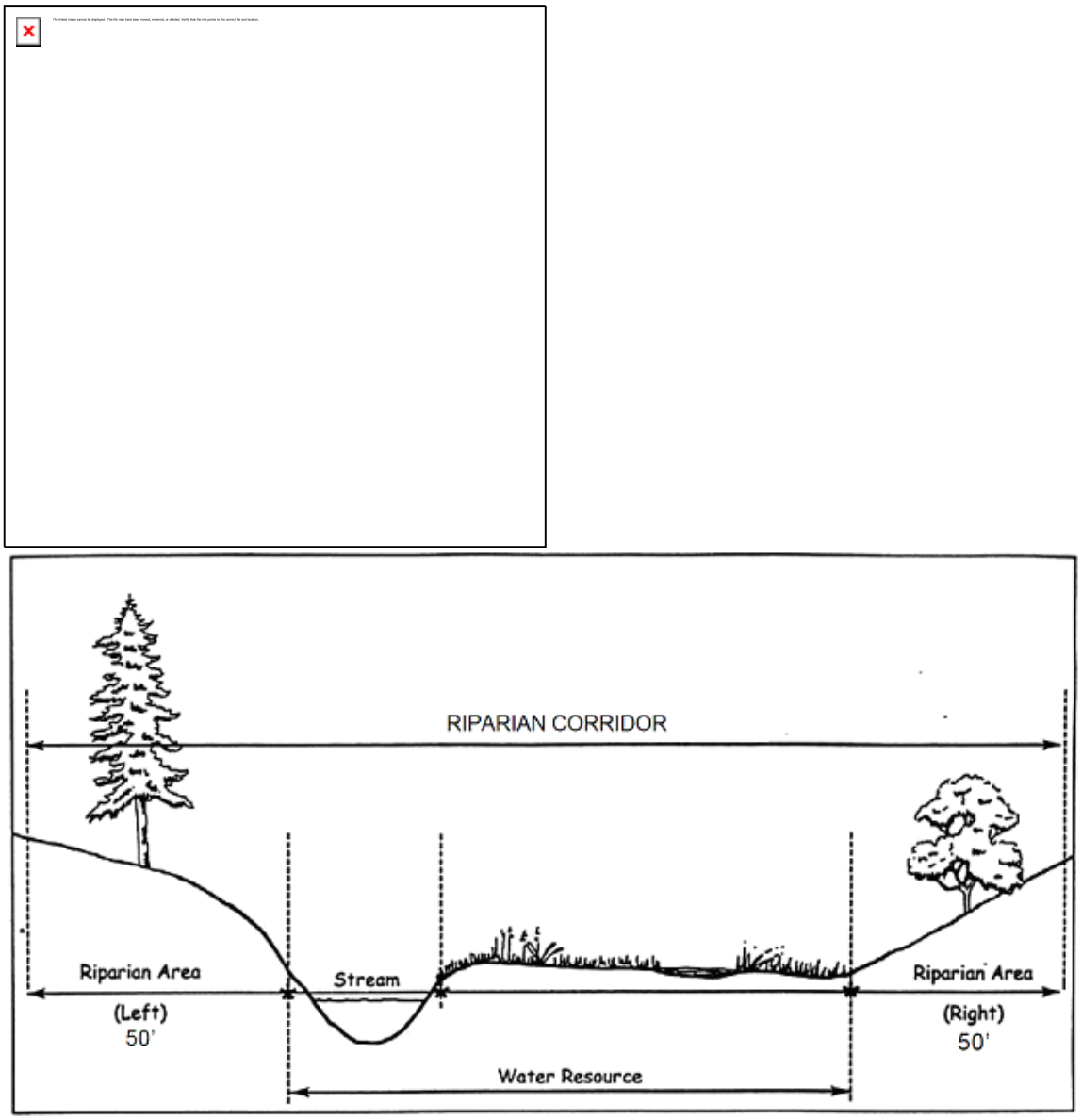
e. All water-related and water-dependent uses as described respectively in Section 10.72.080 and Section 10.72.110

4. Agency Review. Decisions made by the city of Reedsport under this division do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

D. General Development Standards.

1. The city of Reedsport has adopted safe harbor setback methodology for the identification of the wetland riparian boundary. Wetlands that are hydrologically connected to streams have setbacks from the wetland riparian area a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. Properties adjacent to significant riparian areas/corridors and riparian wetlands are subject to setback requirements. The property owner is responsible for having a qualified professional do a delineation to determine the riparian and riparian wetland boundary. It will only be the riparian and riparian related wetlands that safe harbor setbacks apply to. Riparian and riparian related wetlands have been identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference. Significant and non-significant non-riparian wetlands are not subject to a safe harbor setback. Property owners are responsible for having a qualified professional identify the wetland boundary interfacing their property. "Figure one" below is a cross section illustrating terms used in discussion of wetland riparian setbacks as defined by Oregon Statewide Planning Goal 5.

Figure 1: Cross section illustrating terms used in Statewide Planning Goal 5.



Source: Urban Riparian Inventory and Assessment Guide. Oregon Division of State Lands 1998.

2. The permanent alteration of the significant natural resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:

   a. Streets, Roads, Paths and Driveways. Public or private streets, driveways or paths may be placed within a significant natural resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:

      i. Demonstrate to the reviewing authority that no other practicable e buildable area exists or access from an off-site location through the use of easements is not possible;

      ii. Design roads, driveways and paths to be the minimum width necessary and for the minimum intrusion into the significant natural resource while also allowing for safe

passage of vehicles and/or pedestrians consistent with the transportation component of the Reedsport comprehensive plan;

iii. Use bridges, arched culverts or box culverts with a natural bottom for crossing of a significant natural resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;

iv. Consider the need for future extensions of shared access, access easements or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the significant natural resource;

v. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within the significant natural resource;

vi. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering the significant natural resource;

vii. Permanent alteration of the significant natural resource by the placement of public or private streets, driveways or paths is subject to the mitigation requirements of subsection (G).

b. Utilities and Drainage Facilities. Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a significant natural resource, the following standards shall apply:

i. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;

ii. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into the significant natural resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor;

iii. No stockpiling of fill materials, parking or storage of equipment shall be allowed within the significant natural resource.

c. Replacement of existing structures with structures in the same location that do not disturb additional surface area.

d. Structures or other nonconforming alterations existing fully or partially within the significant natural resource may be expanded provided the expansion occurs outside of the significant natural resource. Substantial improvement of a nonconforming structure in the significant natural resource shall require compliance with the standards of this division.

e. Existing lawn within the significant natural resource may be maintained, but not expanded within the limits of the significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

f. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural resource agency. Such alteration of significant natural resources shall be approved only if less invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

3. Removal of vegetation from the significant natural resource is prohibited, except for:

a. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.

b. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.

c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Community Development Director. If no hazard will be created, the department may require such trees, once felled, to be left in place in the significant natural resource.

d. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that may be used in a significant natural resource area. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during windless periods at least four (4) hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

E. Natural Resource Enhancement. Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control and similar projects which propose to improve or maintain the quality of a significant natural resource is encouraged; however, no enhancement activity requiring the excavation or filling of material in a wetland shall be allowed unless all applicable state and federal wetland permits have been granted.

F. Variances to this Section. A variance to the provisions of this section is permitted only as a last resort and may be considered only if necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this section.

1. A variance shall only apply to:

a. Lots on which the location of a significant natural resource results in a building area depth for a single-family dwelling of fifty (50) feet or less; or a building envelope of one thousand six hundred (1,600) square feet or less;

b. Lots where strict adherence to the standards and conditions of subsection (D) would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

2. Permanent alteration of the significant natural resource by an action requiring a variance is subject to the procedures and criteria of Chapter 10.92 and the mitigation requirements of subsection (G).

G. Mitigations Standards. When approved impacts to any identified significant natural resource occurs, mitigation shall be required. For impacts to significant wetlands or major marshes, the standards and criteria of subsection (G)(1) shall apply. For impacts to riparian corridors or riparian vegetation, the standards and criteria of subsection (G)(2) shall apply.

1. When mitigation for impacts to a significant wetland or a major marsh is proposed, the mitigation plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The city may approve a development but shall not issue a building permit until all applicable state and federal wetland permit approvals have been granted and copies of those approvals have been submitted to the city.

2. When mitigation for impacts to a non-wetland riparian area is proposed, a mitigation plan prepared by a qualified professional shall be submitted to the review authority. The mitigation plan shall meet the following criteria:

   a. Mitigation for impacts to a non-wetland riparian area shall require a minimum mitigation area ratio of one to one (1:1);

   b. The mitigation plan shall document the location of the impact, the existing conditions of the resource prior to impact, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density and a narrative describing how the resource will be replaced;

   c. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact;

   d. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;

   e. Trees shall be planted at a density of not less than five (5) per one thousand (1,000) square feet. Shrubs shall be planted at a density of not less than ten (10) per one thousand (1,000) square feet.

H. Plan Amendment Option. Any owner of property affected by the SNR overlay zone within the Goal 5 planning area, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the SNR overlay zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Reedsport comprehensive plan, and the Reedsport significant natural resources map shall be amended to remove the significant natural resource overlay zone from the inventory.

   The ESEE analysis shall adhere to the following requirements:

   1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Reedsport City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. The city should confer with the Department of Land Conservation and Development prior to making their ultimate decision;

   2. The ESEE analysis must demonstrate why the use cannot be located on buildable land outside of the significant natural resource and that no other sites within the city of Reedsport that can meet the specific needs of the proposed use;

   3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.80 SUPPLEMENTARY PROVISIONS FOR ESTUARINE AND SHORELAND AREAS

Sections:

10.80.010 Consistency review of regulated activities.

10.80.020 Consistency determination.

10.80.030 Application.

10.80.040 Resource capabilities test.

10.80.050 Other alterations.

10.80.060 Standards and criteria applicable to uses and activities in estuarine and shoreland areas.

10.80.070 Standards and criteria for estuarine zones.

10.80.080 Standards and criteria for shoreland zones.

10.80.010 Consistency review of regulated activities.

A. All regulated activities in estuarine or shoreland areas shall be reviewed to determine conformance with the comprehensive plan and provisions of this division. Regulated activities are those uses which require state and/or federal permits, including but not limited to docks, erosion control structures, shoreline stabilization, dredging, filling, dikes, piling and dolphin installation.

B. The fact that a use or activity is permitted or that a use permit has been approved or denied shall be reported to the permit-granting agency. The report shall contain a statement of whether or not the use or activity is consistent with the plan and this division; the reasons the use or activity is not consistent; standards and conditions which should be applied if the permit is granted and the need, if any, for local permits for uses associated with the regulated activities.

C. If a proposed use which requires local approval has not been reviewed, notice shall be given to the permit-granting agency and the applicant within ten (10) working days of notification, stating what process is required to review the proposed use. Upon completion of the required review, the report mentioned above, including a decision on the request, shall be sent to the permit-granting agency.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.020 Consistency determination.

A. If a use or activity is permitted outright in the zone classification, it shall be considered to be consistent with the comprehensive plan, the purpose of the applicable management unit within which it is located and the resource capabilities of the area, and shall be considered to have no potential of creating unacceptable degradations of the estuarine or shoreland area.

B. If a use or activity is permitted with standards or permitted conditionally, local approval of a use permit shall be required. Approval of a request shall be based on findings which constitute a determination that the use or activity is consistent with the comprehensive plan, the purpose of the applicable resource management unit and provisions of this division. For estuarine areas, a determination of conformance with the resource capabilities of the area and other unacceptable degradations of the estuarine environment shall not occur. Findings shall be preceded by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.030 Application.

A. No application is necessary for regulated activities which do not require local approval. Local input shall be provided to permit-granting agencies in response to public notice provisions of their application procedures.

B. Application for a regulated activity which requires local approval, or other use permitted with standards or permitted conditionally in the zone classification, shall be processed as an administrative action. The application shall include the following types of information. This list is not intended to be all

inclusive, and is subject to Director determination of what information is applicable to the request and necessary for a decision.

1. Identification of resources existing at the site;
2. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as: flushing, patterns of circulation and other hydraulic factors; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics of the water;
3. Effects of the proposed use on biological characteristics of the estuary and the proposed site, such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas; primary productivity, resting, feeding and nesting areas for migrating and resident shorebirds, wading birds and other waterfowl, riparian vegetation; wildlife habitat;
4. Effects of the proposed use on other established uses in the area;
5. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas;
6. Assurance that structures have been properly engineered;
7. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts;
8. Steps which have been taken to minimize or avoid adverse impacts.

C. If application has been made to the Corps of Engineers or Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request.

D. Based on the type of use proposed, the Director shall determine which information is applicable to the request and shall be submitted with the application. Federal Environmental Impact Statements or Impact Assessments, or other prepared material which addresses pertinent issues, may satisfy this requirement is available at the time of application. In any case, the Director may require additional information from the applicant prior to making a decision if it is determined that such information is necessary to assure consistency with applicable criteria.

E. In making a decision, the Director shall consider:

1. The proposed use and its location;
2. Conformity with the standards for such use in this division;
3. Conformity with the comprehensive plan;
4. Consistency of the proposed use with resource capabilities of the area and the purpose of the applicable resource management unit for estuarine uses;
5. Comments from agencies or other persons noticed during the administrative action process.

F. Decisions made by the city of Reedsport under this division do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the property owner to ensure that any other necessary permits are obtained.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.040 Resource capabilities test.

A. Certain uses are permitted in estuarine areas as long as the uses are consistent with the resource capabilities, as defined by this division of the area and the purpose of the management unit. Technical review of a proposed use shall ensure that, if approved, the use will be consistent with resource values.

B. A determination of consistency with resource capability shall be based on:

1. Identification of resources existing at the site, including environmental (e.g. aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigational channels, public access facilities, areas especially suited for water-dependent use);
2. Evaluation of impacts on those resources by the proposed use;
3. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.

C. In determining consistency of a proposed use with resource capabilities of the area, the city of Reedsport shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings showing that the proposed use is consistent with resource capabilities must be made by those agencies before such permits are approved.

D. For other than regulated activities that may be permitted with standards or conditionally permitted by zoning regulations, the Director shall make a decision based on the information submitted by the applicant, information contained in the comprehensive plan and other published studies concerning the Umpqua estuary, and comments received from resource agencies which result from public notice provided pursuant to Section 10.112.030. Non-response by an affected agency shall indicate to the Director that no resource issues have been identified within that agency's area of interest or expertise.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.050 Other alterations.

In addition to potential impacts on resources in the immediate area, certain fills, dredging and other uses have the potential of creating degradation of other resources in the estuary. Such uses have been identified as those permitted with standards or permitted conditionally in the estuarine zone classification. If a significant potential degradation is identified, approval of federal or state permits must show consistency of the proposed use with the following criteria:

A. Other alterations in the estuary shall be allowed only:

1. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
2. If no feasible alternative upland locations exist; and
3. If adverse impacts are minimized.

B. In determining the impact of other alterations on the estuary the city of Reedsport shall rely on the expertise of affected state and federal resource agencies. Through consultation with each agency, the city of Reedsport shall determine if the alteration is (1) needed, (2) that no feasible alternative upland location exists, and (3) that adverse impacts are minimized. The city shall notify the affected agency of the proposed alteration. Input from each agency shall be used to assist in the impact analysis. Non-response shall indicate to the Director that the proposed alteration is consistent with above criteria in the view of the affected agency. The affected agency responses shall be utilized by the city in making findings on other alteration impacts.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.060 Standards and criteria applicable to uses and activities in estuarine and shoreland areas.

In addition to other provisions of this chapter, uses and activities permitted with standards or permitted conditionally in estuarine and shoreland zones shall comply with any of the following applicable standards and criteria. Applicants for a use permit shall provide information concerning applicable standards and

criteria sufficient to allow an evaluation of compliance with these standards and criteria, and shall be apprised of specific requirements at the required pre-application conference.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.070 Standards and criteria for estuarine zones.

A. General Application.

1. The amount of estuarine area consumed by any one (1) development shall be minimized in order to limit the commitment of estuarine surface area to the parts of developments that must locate in the estuary as opposed to shorelands and uplands.
2. Water quality, including newly created waterways, shall be maintained at levels which will support recognized beneficial uses.
3. Water surface area and volume shall be maintained wherever possible.
4. A proposed use or activity shall not result in substantial destruction of a type of natural habitat or biological function which currently exists in the estuary.
5. A proposed use or activity shall not diminish the productive capacity of spawning sites for fish species having significant value to humans.
6. The size and shape of a dock or pier shall be limited to that required for that use.
7. In order to encourage community facilities common to several uses, proposals for the establishment of individual, single-purpose docks and piers shall only be approved when alternatives, such as mooring buoys, dry land storage and launching ramps, have been investigated and considered.

B. Dredging and Filling.

1. Dredging and/or filling, shall be allowed only if:
   a. The activity is required for navigation or other water-dependent uses that require an estuarine location; or if specifically allowed by the applicable management unit requirements of the estuarine goal; and
   b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust, rights; and
   c. No feasible alternative upland location exists for the portion of use requiring fill;
   d. Adverse impacts are minimized;
   e. The activity is consistent with the objectives of the state's estuarine resources goal and with the state and federal law in conformance with city of Reedsport comprehensive plan.
2. Fills or structures, when permitted, shall be of minimum size required for the operation of that use or business.
3. Filling shall be authorized only to accommodate development which has been determined to be in accord with a design approved by the appropriate governing bodies and permit-granting agencies.
4. Adverse impacts on estuarine resources resulting from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area. (See standards and criteria for mitigation/restoration, Section 10.80.080.)
5. Dredging activity shall be consistent with the policies and procedures set forth in the "Channel Development and Dredged Material Management Program for the Umpqua River Estuary" included in the comprehensive plan.

6. Dredged material disposal is prohibited in intertidal and marsh areas unless part of an approved fill project.

C. Log Storage.

1. New water storage for logs may be approved only if such storage is an integral part of the operation of an existing wood products facility or new water-dependent facility approved by the state's Environmental Quality Commission; if there are no feasible upland alternatives; if the area is within a development or conservation management unit; if storage is limited to deep water where logs will not go aground at the lowest tide, except as provided in subsection (C)(2); if storage time for specific logs will not exceed one (1) year; and if water storage will not interfere with navigation.

2. In water, storage of logs shall not be permitted in areas where logs go aground at the lowest tide unless it is demonstrated that no other reasonable alternatives exist.

3. Historical and current log storage sites that are not used for log storage for a five (5) year period shall be removed from further use for log storage.

D. Temporary Alterations.

1. Temporary alterations shall be allowed only if:

a. The alteration is consistent with the purpose of the management unit;

b. The alteration is in support of the uses permitted by the specific management unit;

c. The area affected by the alteration is restored to its original condition upon termination of the temporary use.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.080 Standards and criteria for shoreland zones.

A. General Application.

1. Uses and activities shall be compatible with the characteristics and resources of adjacent estuarine areas, lakes and oceans and any geologic or hydrologic hazards.

2. Riparian vegetation shall be maintained to the maximum extent possible. Vegetation destroyed or damaged as a result of allowed uses or activities shall be restored and enhanced when appropriate and consistent with the use.

3. In all shorelands except those classified for water-dependent uses, development other than flood and erosion control structures and public or private docks shall be set back fifty (50) feet from the line of nonaquatic vegetation or mean high water, unless the city finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife.

4. Bridges, roads and railroads, airports and other means of transportation shall be permitted if found to be consistent with the resources of the area, the objectives of the applicable zoning classification and the transportation element of the comprehensive plan, and if essential to serve permitted or coordinated uses.

5. Nonstructural solutions to problems of shoreline erosion and flooding shall be preferred over structural methods. Fill activities on shorelands and in adjacent waters, and flood and erosion control structures such as jetties, bulkheads and sea walls shall be permitted only upon a demonstration of need and only if designed and sited to minimize erosion and man-induced sedimentation in adjacent areas and to minimize negative impacts on water currents, water quality and fish and wildlife.

6. Public access to shorelands and waters shall be provided as part of an allowed use when such access will not conflict with the type of use or development, create a significant hardship or significantly impact the resources of the shoreland area.

7. The size (length and height) of structures permitted shall be consistent with the need to protect scenic access to the water body.

B. Dredged Material Disposal.

1. Disposal of dredged material shall not be permitted in subtidal or intertidal areas of the estuary unless it is part of an approved fill project or in approved flow lane disposal site and if disposal of the material in an approved upland or ocean water site is not feasible.

2. Disposal of dredged material shall be permitted if the eventual use of the disposal site is consistent with the uses permitted in the applicable district and if the method of disposal is consistent with the policies and procedures of the dredged material disposal program included in the comprehensive plan.

3. When disposal of dredged material will create opportunity for development and associated improvements, access and services shall be available or planned.

4. Shorelands identified in the comprehensive plan as suitable for fulfilling dredge spoils requirements shall be protected from new uses and activities which would prevent their ultimate use for dredge spoil material.

C. Restoration and Mitigation.

1. Shoreland areas identified in the comprehensive plan as suitable for fulfilling mitigation requirements shall be protected from new uses and activities which would prevent their ultimate restoration or addition to the estuarine ecosystem.

2. Restoration and mitigation activities shall be consistent with the policies set forth in the restoration and mitigation program of the Douglas County comprehensive plan.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.84 EXCEPTIONS

Sections:

10.84.010 Nonconforming uses.

10.84.020 Exceptions to yard requirements.

10.84.030 Exceptions to building height limitations.

10.84.040 Projections from buildings.

10.84.010 Nonconforming uses.

A. Purpose. It is the intent of the nonconforming use section of this division to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this division to continue under conditions specified herein. However, alterations or expansion of those nonconforming uses and structures thereby creating potentially adverse effects in the immediate neighborhood or the city as a whole are not permitted, except as outlined below:

1. Continuation of a Nonconforming Use or Structure. A nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion

of a structure which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this division is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this division.

2. Discontinuance of a Nonconforming Use. If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.

3. Change of a Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this division and shall not subsequently be replaced by a nonconforming use.

4. Destruction of a Nonconforming Use. Restoration or replacement of any structure containing a nonconforming use may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster. In the event construction cannot be commenced within one (1) year, the property owner may retain the right to building by posting a performance bond in the amount of the value of the structure to be built.

5. Completion of Construction. Nothing contained in this division shall require any change in the plans, construction, alteration or designated use of a structure for which documented plans are available or a construction permit has been issued prior to the adoption of the ordinance codified in this division provided the structure, if nonconforming or intended for a nonconforming use is completed and in use within two (2) years from the time of adoption of the ordinance codified in this division.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.020 Exceptions to yard requirements.

The following exceptions to yard requirements are authorized for a lot in any zone:

A. If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.

B. If there is a building on one (1) abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.030 Exceptions to building height limitations.

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

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.040 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than thirty-six (36) inches into a required yard.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.92 VARIANCES

Sections:

10.92.010 Authorization to grant or to deny variances.

10.92.020 Criteria for granting a variance.

10.92.030 Minor variances.

10.92.040 Procedure to taking action on a variance request.

10.92.050 Time limit on a permit for a variance.

10.92.010 Authorization to grant or to deny variances.

The Planning Commission may authorize a variance from the requirements of this division where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the division would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this division.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.020 Criteria for granting a variance.

A variance may be granted only in the event that all of the following circumstances are considered:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of the ordinance codified in this division have had no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

C. The variance would not be materially detrimental to the purposes of this division, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

D. The variance requested is the minimum variance which would alleviate the hardship.

E. The variance is not the result of a self-created hardship.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.030 Minor variances.

Minor variances may be denied or granted upon review by the Community Development Planner for the following:

A. Front and side yard setback encroachments up to one (1) foot;

B. Exceeding building height requirements up to eighteen (18) inches;

C. Exceeding maximum lot coverage up to fifty (50) square feet;

D. All setback encroachments and lot coverage requirements for lots five thousand (5,000) square feet or less in area;

E. Exceeding maximum square footage allowed for signs up to ten (10) percent.

Upon receiving application for a minor variance, the Planner shall send written notification of applicants intent to all property owners (within one hundred (100) feet), fifteen (15) days prior to review and determination. Upon the conclusion of the fifteen (15) days the applicant shall receive written notification of the Planner's determination. The decision of the Planner on a minor variance may be appealed to the Planning Commission.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.040 Procedure to taking action on a variance request.

The procedure for taking action on a request for a variance shall be as follows:

A. A property owner may initiate a request for a variance by submitting an application with the Planning Staff. The Planning Commission shall receive such application for review and/or action within thirty (30) days of receipt by the Planning Staff.

B. Before the Planning Commission may act on a variance request, it shall hold a public hearing thereon as provided in Sections 10.112.010 through 10.112.090

C. Within five (5) days after a decision has been rendered with reference to a variance application, the Planning Staff shall provide the applicant with written notice of the decision of the Commission.

D. The application shall be accompanied by a plan showing the condition to be varied, and the dimensions and arrangement of the proposed development. The application shall also be accompanied by a narrative from the applicant that addresses each of the criteria outlined in Section 10.92.030

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.050 Time limit on a permit for a variance.

Authorization of variance shall be void after one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.96 CONDITIONAL USE

Sections:

10.96.010 Authorization to grant or deny conditional use.

10.96.020 Standards to which a conditional use must conform.

10.96.030 Mobile home parks.

10.96.040 Procedure for taking action on a conditional use application.

10.96.050 Time limit on conditional uses.

10.96.010 Authorization to grant or deny conditional use.

A. Purpose. To provide for certain uses that are not permitted outright in various zones because of their different or unusual characteristics in comparison with the permitted uses and to provide qualifying criteria and standards designed to protect property values and reduce adverse impacts with the surrounding area or community. Nothing construed herein shall be deemed to require the Planning Commission to grant a conditional use permit if it fails to meet the standards set forth in Section 10.96.020

B. A conditional use listed in this division may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this chapter.

1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this division, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to the following:

   a. Increasing the required lot size or yard dimension;

   b. Limiting the height, size or location of buildings;

   c. Controlling the location and number of vehicle access points;

   d. Increasing the street width;

   e. Increasing the number of required off-street parking spaces;

   f. Limiting the number, size, location and lighting of signs;

   g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;

   h. Designating sites for open space.

2. In the case of a use existing prior to the effective date of the ordinance codified in this division and classified in this division as a conditional use, any change in the use or in lot area, or an alteration of structure shall conform with the requirements for conditional use.

3. The Planning Commission may require an applicant for conditional use to furnish the city a surety or cash bond of up to the value of the cost of the improvement to assure that the conditional use is completed according to the plans as approved by the Planning Commission, and that standards established in granting the conditional use are observed.

4. Changes or alteration to approved conditional use permits shall be processed as a new administrative action.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.020 Standards to which a conditional use must conform.

That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density to the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.

That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment consistent with the nature of the use and the given setting.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.030 Mobile home parks.

An application for conditional use permit for a mobile home park shall be approved if it meets all of the following:

A. The zone in which the mobile home park is to be developed provides for such parks as a conditional use.

B. The proposed mobile home park is consistent with applicable policies of the Reedsport comprehensive plan.

C. The proposed mobile home park complies with all applicable property development standards for the zone in which it is to be developed and with all applicable provisions of Chapter 10.76

D. The city shall not prohibit placement of a mobile home due solely to its age, in a mobile home park in a zone with a density of eight (8) to twelve (12) units per acre.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.040 Procedure for taking action on a conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

A. A property owner may initiate a request for a conditional use by filing a request with the Planning Staff.

B. Before the Planning Commission may act on a conditional use request, it shall hold a public hearing thereon, following procedure as established in Sections 10.112.010 through 10.112.090

C. Within five (5) days after a decision has been rendered with reference to a conditional use request, the Planning Staff shall provide the applicant with written notice of the decision of the Commission.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.050 Time limit on conditional uses.

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial documented plans are being developed or construction has taken place, or if the use approved by the conditional use permit is discontinued for any reason for more than one (1) year. The Planning Commission may extend authorization for an additional period not to exceed one (1) year on request.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.100 AMENDMENTS

Sections:

10.100.010 Authorization to initiate amendments.

10.100.020 Standards for amendments.

10.100.030 Public hearings on amendments.

10.100.040 Notification procedures for amendments.

10.100.050 Record of amendments.

10.100.060 Limitation of reapplications.

10.100.010 Authorization to initiate amendments.

An amendment to the text of this division or to a zone boundary may be initiated by the City Council, the City Planning Commission, Douglas County or by application of a property owner.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.020 Standards for amendments.

An amendment may be granted only in the event that the evidence presented to the Planning Commission satisfies criteria set forth in the following standards:

A. Is there sufficient burden of proof to show the action will be in the public interest?

B. Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

C. Is the proposed amendment in conflict with the adopted comprehensive plan, including the transportation system plan for the area?

D. Will the proposed amendment adversely affect the public health, safety and general welfare?

E. What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

F. Will the proposed amendment be consistent with the function, capacity and performance standards for the streets used for access, consistent with the Reedsport TSP, the Oregon highway plan, and the Transportation Planning Rule (OAR 660-12)?

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part); Ord. 2003-1038 (part))

10.100.030 Public hearings on amendments.

The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall:

A. Within five (5) working days after the decision has been rendered, the City Planning Department shall provide the applicant with a written notice of the decision of the Planning Commission.

B. Within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.040 Notification procedures for amendments.

A. All zoning text amendments require thirty-five (35) days' prior notice to the Department of Land Conservation and Development pursuant to ORS 197.610.

B. Any amendment that limits or prohibits land uses previously allowed in the affected area may be subject to measure fifty-six (56) notification, as specified in ORS 227.186.

C. Notice of the public hearing must be published in a newspaper of general circulation in the city not less than twenty (20) days before the evidentiary hearing is held or ten (10) days before the first evidentiary hearing, if two (2) or more evidentiary hearings are allowed.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.050 Record of amendments.

The City Recorder shall maintain records of amendments to the text and zoning map of this division.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.060 Limitation of reapplications.

No application of a property owner for an amendment to the text of this division or to a zone boundary shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.104 APPEALS

Sections:

10.104.010 Enforcement.

10.104.020 Appeals from a ruling of the planning commission.

10.104.030 Scope of review.

10.104.040 Decision.

10.104.050 Notification of appeal.

10.104.060 Reapplication following denial.

10.104.010 Enforcement.

The City Manager or his designated representative shall have the power and duty to enforce the provisions of this division. An appeal from a ruling of the City Manager or his designated representative shall be made to the Planning Commission.

(Ord. 2003-1038 (part))

10.104.020 Appeals from a ruling of the planning commission.

Any action or ruling of the Planning Commission authorized by this division may be appealed to the City Council in accordance with the following procedure:

A. Such appeal shall be made within fifteen (15) days of the date notice of the Planning Commission decision was mailed by filing written notice with the City Recorder. If no appeal shall be taken within such fifteen (15) day period, the decision of the Commission shall be final.

B. Appeals shall include:

1. A statement of the interest of the petitioner to determine his party status;
2. The specific grounds relied upon in the petition request for review;
3. The date of the decision of the initial action.

C. The following parties (or authorized agent) shall have standing:

1. Site Specific (Other than Minor Variance). Applicant, property owners within two hundred (200) feet of the subject site, City Manager or anybody determined to have standing by the deliberating body;
2. Site Specific Minor Variance. Applicant, adjacent property owners or anybody determined to have standing by the deliberating body.

(Ord. 2003-1038 (part))

10.104.030 Scope of review.

A. Unless otherwise provided by the City Council, the review of the initial action shall be confined to the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
2. All materials submitted by the city staff with respect to the application;
3. The transcript of the hearing below;
4. The findings and action of the Planning Commission and the notice of review;
5. Argument by the parties or their legal representatives at the time of review before the City Council.

B. The City Council may admit additional testimony and other evidence if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. In deciding such admission, the City Council shall consider:

1. Prejudice to parties;
2. Convenience of location of the evidence at the time of initial hearing;
3. Surprise to opposing parties;

4. When notice was given to other parties as to the attempt to admit;
5. The competency, relevancy and materiality of the proposed testimony or other evidence.

(Ord. 2003-1038 (part))

10.104.040 Decision.

The City Council may affirm, reverse or amend the action of the Planning Commission and may reasonably grant approval subject to conditions necessary to carry out the comprehensive plan and ordinances. The council may also refer the matter back to the Planning Commission for additional information.

A. For all cases, the Council shall make finding based on the record before it and any testimony or other evidence received by it as justification for its actions.

B. The Council shall state all orders upon the close of its hearing or upon continuance of the matter to a time certain.

(Ord. 2003-1038 (part))

10.104.050 Notification of appeal.

Written notice of the public hearing on an appeal shall be provided to the appellant, the applicant, if different, and all parties entitled to receive mailed notice prior to or after the original decision.

(Ord. 2003-1038 (part))

10.104.060 Reapplication following denial.

After denial of a development proposal, no new application for the same area, or any portion thereof, may be submitted for a period of one year from the date of denial. However, the Planning Commission may waive this restriction if the proposal has been sufficiently modified or conditions have changed sufficiently to justify reconsideration.

(Ord. 2003-1038 (part))

Chapter 10.108 ADMINISTRATIVE PROVISIONS

Sections:

10.108.010 Authorization of similar uses.

10.108.020 Maintenance of minimum requirements.

10.108.030 Building permits.

10.108.040 Filing fees.

10.108.050 Interpretation.

10.108.060 Severability.

10.108.070 Time limit for city decision.

10.108.010 Authorization of similar uses.

The Planning Commission may permit in a particular zone a use not listed in this division, provided the use is of the same general type as the uses permitted there by this division. However, this section does not authorize the inclusion in a zone where it is listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

(Ord. 2003-1038 (part))

10.108.020 Maintenance of minimum requirements.

No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this division shall be reduced below the minimum required for it by this division, and no lot area, yard or other open space which is required by this division for one use shall be used as the required lot area, yard or other open space for another use.

(Ord. 2003-1038 (part))

10.108.030 Building permits.

No permit shall be issued by the building inspector for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this division and does not have permit approval of the Planning Department.

(Ord. 2003-1038 (part))

10.108.040 Filing fees.

Filing fees shall be established by a separate ordinance.

(Ord. 2003-1038 (part))

10.108.050 Interpretation.

Where a provision of this division is in conflict with another provision of this division, or any other ordinance or requirement of the city, the provision or requirement which is more restrictive shall govern.

Some terms or phrases within this code may have two or more reasonable meanings. In order to resolve the difference an interpretation of the code maybe required. A request for an interpretation must be submitted in writing to the Planning Commission. The Planning Commission will hold a public hearing regarding the interpretation at the first regular meeting following the submittal. Notification procedures will follow the guidelines listed in Chapter 10.112. The Planning Commission's decision may be appealed to the City Council in accordance with Chapter 10.104 of this division.

(Ord. 2003-1038 (part))

10.108.060 Severability.

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

(Ord. 2003-1038 (part))

10.108.070 Time limit for city decision.

A. The city shall render a final decision regarding all land use applications within its control within one hundred twenty (120) days of receipt of a complete application.

B. The applicant may submit a request for an extension on a land use decision or action beyond the one hundred twenty (120) day limit.

C. Land use regulations amendments or adoptions of new regulations that must be submitted to the Department of Land Conservation and Development Director may be exempt from the one hundred twenty (120) day limit.

D. Applicant whose applications have not been acted upon within the one hundred twenty (120) day limit may seek a writ of mandamus to compel issuance or action on a land use application.

(Ord. 2003-1038 (part))

Chapter 10.112 PUBLIC HEARING PROCEDURES

Sections:

10.112.010 Scope of rules.

10.112.020 Nature and general conduct of hearing.

10.112.030 Notice of public hearings.

10.112.040 Submission of evidence.

10.112.050 Staff report.

10.112.060 Continuance/record.

10.112.070 Burden and nature of proof.

10.112.080 Order of procedure.

10.112.090 Deliberation and decision.

10.112.100 Administrative action decisions of the Director.

10.112.010 Scope of rules.

This chapter shall govern the conduct of hearings held by the City Council and the Planning Commission, hereafter referred to as the deliberating body, including all hearings and appeals provided for within this division, the comprehensive plan and any other land use matters requiring such hearing. Any other matters coming before the deliberating body for hearings may be governed by any and all of these rules at the discretion of the Councilors or Planning Commissioners.

(Ord. 2003-1038 (part))

10.112.020 Nature and general conduct of hearing.

The deliberating body, in conducting a hearing which will result in a determination as to the permissible use of specific property, is acting in quasi-judicial capacity and all hearings shall be conducted accordingly. Parties with standing are therefore entitled to notice of hearing, if required by charter, ordinance or statute, an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered, supported by findings of fact as part of that record.

(Ord. 2003-1038 (part))

10.112.030 Notice of public hearings.

Notice of public hearings shall be given by the City Recorder in the following manner, except where statutory requirements are given and then the statutory requirements shall be followed:

A. Notice shall also be presented in written form not less than twenty (20) days before the evidentiary hearing or ten (10) days before the first evidentiary hearing, if two or more evidentiary hearings are allowed to the owners of property within two hundred (200) feet of the exterior boundaries of the property involved where the site is wholly or partially within the city limits and/or the urban growth boundary.

B. The notice shall contain the following information:

1. An explanation of the nature of the application and the proposed use or uses which could be authorized;
2. A list of the applicable criteria from the ordinance and the plan that apply to the application;
3. The street address or other easily understood geographical reference to the subject property;
4. The date, time and location of the hearing;
5. Failure to raise an issue by the close of the record at or following the final evidentiary hearing in person or by letter precludes appeal to Land Use Board of Appeals (LUBA) based on that issue;
6. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue;
7. The name of a local government representative to contact and a telephone number where additional information may be obtained;
8. A copy of:
   a. The application,
   b. All documents and evidence relied upon by the applicant, and
   c. Applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
9. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
10. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

C. For each quasi-judicial land use hearing, an affidavit must be completed representing that the requisite notice was provided to the appropriate individuals.

D. Special notice regulations for hearings on a rezone of property containing mobile home parks.

Before enacting, at the request of a property owner, an ordinance which would change the zone of property which includes all or part of a mobile home park as defined in this division, the Planning Department shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the ordinance. The applicant shall provide the Planning Department with a certified list, from a title company, of the mailing addresses for tenants of the mobile home park. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

(Ord. 2003-1038 (part))

10.112.040 Submission of evidence.

A. Persons may submit documents or evidence:

1. In support of the application—as late as the hearing itself;
2. In opposition to the application:
   a. At the hearing, and
   b. For at least seven days after the hearing if someone submits documents or evidence in support of the application or a participant at the initial hearing asks before the hearing concludes that the record be kept open;
3. The applicant and other persons who have participated at the initial hearing may submit documents or evidence rebutting evidence submitted in opposition to the application:
   a. At the hearing, and
   b. For at least seven days after the hearing if a participant at the initial hearing asks before the hearing concludes that the record be kept open.

(Ord. 2003-1038 (part))

10.112.050 Staff report.

Any staff report used at a hearing shall be made available at least seven days before the hearing.

(Ord. 2003-1038 (part))

10.112.060 Continuance/record.

A. Any party shall be entitled to a continuance of the initial evidentiary hearing if anyone submits additional documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.

B. The record shall remain open for at least seven days after the initial evidentiary hearing if a participant asks before the hearing concludes that the record be kept open.

(Ord. 2003-1038 (part))

10.112.070 Burden and nature of proof.

The burden of proof is upon the proponent. The more drastic the change or impact of the proposal, the greater is the burden of the proponent. Unless otherwise provided, such burden shall be to prove:

A. The public interest is best carried out by approving the application for the proposed action at this time; and

B. The proposed action complies with the comprehensive plan.

(Ord. 2003-1038 (part))

10.112.080 Order of procedure.

A. At the outset of the hearing, the presiding officer shall review the public hearing procedure and shall inquire whether any member of the deliberating body wishes to declare a conflict of interest or ex-parte contact.

B. List the applicable criteria.

C. State that testimony and evidence must be directed toward the criteria included in the list of applicable criteria or other criteria in the plan or land use regulations which a person believes to apply to the decision.

D. State that issues must be raised by the close of the record at or following the final evidentiary hearing, in person or by letter.

E. At the initial evidentiary hearing, state that if a participant at the hearing so requests before the hearing concludes, the record shall be kept open for at least seven days unless there is a continuance.

F. At the initial evidentiary hearing, state that any party shall be entitled to a continuance of the hearing if anyone submits documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.

G. State that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

H. City staff shall briefly review the basic facts involved in the proposal.

I. The presiding officer shall provide the opportunity for questions to be asked by the deliberating body or from the floor regarding clarification of the matter to be heard.

J. All those persons who support the proposed application shall first be permitted to present their case. The applicant or his representative shall proceed first, to be followed by all others who support the application.

K. All those who oppose the proposed application shall then present their case.

L. City staff shall then make further presentation, if appropriate. City staff may also answer questions or clarify issues during other stages of the hearing whenever permitted by the presiding officer during the hearing.

M. Following all presentation, brief rebuttal shall be permitted by all parties in the same general order as initial presentations. The presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.

N. All testimony and exhibits presented during public hearing shall be considered permanent part of the record.

Members of the deliberating body may question anyone making a presentation at a hearing, but such questioning shall occur after, not during, the individual's presentation.

Any questions from the floor shall be addressed to the presiding officer. The presiding officer shall then direct the question to the appropriate person.

No person shall be disorderly, disruptive or abusive during the conduct of the hearing.

No person shall testify without receiving recognition from the presiding officer and stating his full name and address.

All presentations shall be as brief as possible, and redundancy and repetition shall be avoided.

The presiding officer shall have authority to:

1. Regulate the course and decorum of the hearing;
2. Dispose of procedural matters;
3. Rule on relevancy of testimony and request documentation at any time;
4. Impose reasonable limitations on the number of witnesses and time limits for presentations and rebuttal.

At the close of all presentations and rebuttal, the presiding officer shall declare that the hearing is closed, and thereafter no further evidence or argument shall be received. Once a hearing has been closed, it shall be reopened upon vote of the deliberating body.

Any person making a presentation may present one or more written exhibits, visual aids, affidavits and similar material to be considered as part of the evidence. Exhibits shall become part of the permanent record.

At City Council hearings, all Planning Commission minutes and records shall be a part of the record before the City Council. A Planning Commission spokesperson may testify as part of the city staff presentation at a City Council hearing.

The Planning commission or City Council may recess a public hearing in order to obtain additional information or to serve further notice upon other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(Ord. 2003-1038 (part))

10.112.090 Deliberation and decision.

The action by the deliberating body may be to approve the application as submitted, to deny the application, or to approve the application with such conditions as may be necessary to carry out the comprehensive plan and ordinances of the city. The deliberating body shall first make findings and its decision may include findings proposed by the proponent, opponents, and the city staff.

(Ord. 2003-1038 (part))

10.112.100 Administrative action decisions of the Director.

In making an administrative action decision, the Director consider the following:

A. The burden of proof is placed upon the applicant. Such burden shall be to prove:

   1. The proposed action fully complies with the applicable goals, policies and map elements of the comprehensive plan; and
   2. The proposed action is in accord with the applicable criteria of this division.

B. Notice of proposed administrative action shall be sent to all properties and all affected agencies within one hundred (100) feet of the property subject to the application at least fifteen (15) days prior to the decision.

C. The Director may impose conditions in making a decision to approve an administrative action. The following limitations shall be applicable to conditional approval:

1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof;
2. Such conditions shall be reasonable to fulfill public needs;
3. Failure to fulfill any conditions of approval with the time limitations provided may be grounds for initiation of administrative action or revocation of approval by the Director.

D. Notice of administrative decision shall be filed in the records and also mailed to applicant and all property owners within the one hundred (100) feet notification boundary and shall contain the following information:

1. Identification of the application;
2. The findings of fact pertaining to the Director's decision;
3. Other information pertinent to the application, if any;
4. The date of the filing of the decision of the Director;
5. Notice that any party may appeal the decision to the Planning Commission by filing such intent with the Director within ten (10) days of the Director's mailed decision.

E. Planning Commission shall be notified of all administrative decisions within five days of the decision being rendered.

F. The administrative decision of the Director shall be final upon the expiration of fifteen (15) days from the date of approval or disapproval unless an appeal from an aggrieved person is received by the Director within such ten (10) day period or if two or more Planning Commissioners submit in writing to the Director within a ten (10) day period a request to review the Director's decision.

(Ord. 2003-1038 (part))

Chapter 10.116 REMEDIES

Sections:

10.116.010 Penalty.

10.116.020 Alternative remedy.

10.116.030 Procedure.

10.116.010 Penalty.

A person violating a provision of the division or such conditional use permit as is granted shall, upon conviction, be punished by imprisonment for not more than sixty (60) days or by fine of not more than five hundred dollars ($500.00) or both. A violation of this division shall be considered a separate offense for each day the violation continues.

(Ord. 2003-1038 (part))

10.116.020 Alternative remedy.

In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this division, the building or land thus in violation shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcing this division, institute injunction, mandamus, abatement or other appropriate

proceedings to prevent, enjoin, temporarily or permanently abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(Ord. 2003-1038 (part))

10.116.030 Procedure.

A. Within ten (10) days after notification of a violation of this division, the City Manager or his designated representative shall notify the property owner that such a violation exists.

B. Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days.

C. Where the violation involves a structure, action to rectify such shall be made within sixty (60) days.

D. If no action has been taken to rectify the violation within the specified time, the City Manager or his designated representative shall notify the City Attorney or his designated representative of such.

E. The City Attorney shall set the date for a hearing with the person violating this division and the City Manager, to consider whether subsequent legal action should be taken to rectify the violation; and if necessary, he shall take such legal action as required to ensure compliance with this division.

(Ord. 2003-1038 (part))

DIVISION IV. REAL PROPERTY

Chapter 10.200 - COMPENSATION CLAIMS

Chapter 10.200 COMPENSATION CLAIMS

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10.200.010 Purpose.

To implement the provisions added to Chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city's decision capable of circuit court review.

(Ord. 2005-1051 (part))

10.200.020 Definitions.

As used in Sections 10.200.010 through 10.200.080, the following words and phrases mean:

"City manager" means the City Manager of the city or his or her designee.

"Claim" means a claim filed under Ballot Measure 37.

"Exempt land use regulation" means a land use regulation that:

1. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
2. Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
3. Is required in order to comply with federal law;
4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
5. Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner.

"Family member" means and includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by anyone or combination of these family members or the owner of the property.

"Land use regulation" means and includes:

1. Any statute regulating the use of land or any interest therein;
2. Administrative rules and goals of the Land Conservation and Development Commission; and
3. Local government comprehensive plans, zoning ordinances, land division ordinances and transportation ordinances.

"Owner" means the present owner of the property or any interest therein.

"Valid claim" means a claim submitted by the owner of real property that is subject to a land use regulation, other than an exempt land use regulation, adopted or enforced by the city that restricts the use of the private real property in a manner that reduces the fair market value of the real property.

(Ord. 2005-1051 (part))

10.200.030 Real property compensation-claim submittal procedure.

A. A person seeking to file a claim under Sections 10.200.010 through 10.200.080 of this code must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the City Manager's office.

B. A claim will not be accepted for filing and will not be considered filed under Ballot Measure 37 until all of the requirements contained in subsection C of this section are completed in the owner's filing with the city.

   1. The City Manager will conduct a completeness review within fifteen (15) days after submittal of the claim and will advise the owner in writing of any material remaining to be submitted. The owner must submit the material needed for completeness within thirty (30) days of the written notice that additional material is required. If the owner fails to provide the additional materials within the thirty (30) day period, the claim will not be accepted for filing.

2. The one hundred eighty (180) day period required for accrual of a cause of action for compensation under Ballot Measure 37 begins on the date the City Manager deems the claim complete and accepts it for filing. The City Manager will mark the date of completeness and filing on the claim form and provide a copy to the claimant.

C. A claim shall include:

1. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;

2. The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued no more than thirty (30) days prior to the submission of the claim that reflects the ownership of the entire property by the claimant(s), and the date the property was acquired;

3. The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

4. The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser who is licensed or certified by the Appraiser Certification and Licensure Board of the state of Oregon and who is not a business partner nor family member of any owner of the property; and

5. Copies of any leases or covenants, conditions and restrictions (CCR's) applicable to the real property, if any, that impose restrictions on the use of the property.

D. Notwithstanding a claimant's failure to provide all of the information required by subsection C of this section, the city may review and act on a claim.

(Ord. 2005-1051 (part))

10.200.040 City manager recommendation.

A. Following an investigation of a claim, the City Manager shall forward to the City Council a recommendation, together with an explanation to support the recommendation, that the claim be:

1. Denied;

2. Investigated further;

3. Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or

4. Evaluated with the expectation of the city acquiring the property, by condemnation if necessary.

B. If the City Manager's recommendation is that a claim be denied, and no city elected official informs the City Manager within fourteen (14) days that the official disagrees, then the City Manager may deny the claim. If an elected official objects, then the City Manager shall wait an additional seven days to see whether three more elected officials object to the proposed denial. If they do, then the City Manager shall schedule a work session with the City Council. If not, the City Manager may deny the claim.

(Ord. 2005-1051 (part))

10.200.050 City council decision.

A. The City Council may conduct a public hearing before taking final action on a recommendation from the City Manager. The City Council shall not waive or modify a land use regulation unless the Council first holds a public hearing. Notice of a public hearing shall be mailed at least fourteen (14) days prior

to the public hearing, and shall at a minimum be sent to the claimant, to owners and occupants of property within two hundred (200) feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the City Council whose boundaries include the subject property. Such notice shall be sent out with a proof of mailing certification from the post office.

B. Upon conclusion of any hearing, and prior to the expiration of one hundred eighty (180) days from the date the claim was filed, the City Council shall adopt a resolution that:

1. Determines that the claim is a valid claim and removes or modifies land use regulation(s) with respect to the subject property to allow the owner to use the property for a use permitted at the time the owner acquired the property;

2. Determines that the claim is a valid claim and compensation is due to the claimant in an amount set forth in the Council's resolution;

3. Determines that the claim is a valid claim and that the city should acquire the property; or

4. Denies the claim.

C. The City Council's decision to waive or modify a land use regulation or to compensate the owner shall be based upon consideration of whether the public interest would be better served by compensating the applicant, or by removing or modifying the challenged use regulation(s) with respect to the subject property.

D. If the City Council removes or modifies the challenged and use regulation, the Council may as part of the decision reimpose with respect to the subject property, all of the land use regulations in effect at the time the claimant acquired the property.

E. A decision by the City Council to remove or modify a land use regulation shall be transferable to a future purchaser of the property only to the extent required by the Ballot Measure 37

F. If the City Council adopts a resolution under subsection (B)(1) or (B)(2) of this section, the City Manager shall record on the property a copy of the resolution with Douglas County records.

(Ord. 2005-1051 (part))

10.200.060 Conditions of approval and revocation of decisions.

A. Failure to comply with any conditions of approval established under Section 10.200.050 is grounds for revocation of the approval of the compensation for the demand, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this section.

B. In the event the owner, or the owner's successor in interest, fails to fully comply with the conditions of approval, the city may institute a revocation or modification proceeding before the City Council utilizing the same process established in this section.

(Ord. 2005-1051 (part))

10.200.070 Processing fee.

A. The City Manager shall charge a four hundred dollar ($400.00) deposit to be paid at the time of filing of the claim. Following the filing of the application and deposit, the City Manager shall maintain a record of the city's costs in processing a claim, including the cost of obtaining information required by Section 10.200.030 of this chapter, which is not provided by the property owner. Following final action by the city on the claim at the local level, the City Manager shall either send the property owner a bill for the actual costs including staff and legal time that exceed the four hundred dollar ($400.00) deposit or refund any unspent portion of the deposit whichever is appropriate.

(Ord. 2005-1051 (part))

10.200.080 Private cause of action.

A. If the City Council's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in the vicinity of the claimant, the neighbor(s) shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

(Ord. 2005-1051 (part))

APPENDIX A: FEES

Appendix A, Fees, was removed at the direction of the city. Fees are regulated by resolution.