



**City of Sutherlin  
Planning Commission Meeting  
Tuesday, January 19, 2021  
7:00 p.m. – Sutherlin Civic Auditorium  
Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Welcome New Planning Commission Members**

**Election of Chair and Vice-Chair**

**Approval of Minutes**

October 20, 2020 – Regular Meeting

**1. SUTHERLIN DEVELOPMENT CODE UPDATES** – discussion/workshop

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, OCTOBER 20, 2020**

**COMMISSION MEMBERS PRESENT:** William Lee, Richard Price, Norm Davidson and Adam Sarnoski

**COMMISSION MEMBERS EXCUSED:** Chuck Brummel

**COMMISSION MEMBERS ABSENT:** Sam Robinson and Elainna Swanson

**CITY STAFF:** Kristi Gilbert, Community Development Supervisor, Jamie Chartier, City Planner and Brian Elliott, Community Development Director

**AUDIENCE (via Zoom):** None

Meeting called to order at 7:03 pm by Chair Lee.

**FLAG SALUTE**

**INTRODUCTION OF MEDIA:** None

**APPROVAL OF MINUTES**

A motion made by Commissioner Davidson to approve the minutes of the September 15, 2020 Planning Commission meeting; second made by Commissioner Price.

In favor: Commissioners Davidson, Price, Sarnoski and Chair Lee

Opposed: None

Excused: None

Motion carried unanimously

**SUTHERLIN DEVELOPMENT CODE (DISCUSSION/WORKSHOP)**

**Kristi Gilbert, Community Development Supervisor**, stated this discussion and workshop will be similar to last month's meeting, but to review Chapter's 4 and 5 of the Sutherlin Development Code. Referring back to the proposed updates from the Code Audit conducted in 2019 and hoping to have clear and objective standards and criteria listed for development approval. Also, miscellaneous amendments that will help staff streamline the existing code and/or modify the language to make items easier to reference or clarify them.

Mrs. Gilbert then proceeded to review Chapter 4, explaining the recommended amendments, for example renaming Type IV procedures to Legislative, instead of having two (2) Quasi-judicial procedures. Asking the Commission to give there input or opinion on items. Discussed separating Subdivision, Land Partition and Property Line Adjustment procedures, consensus with the commission they agreed with staff. Mrs. Gilbert continued through Chapter 4, noting to commission to review and email any corrections or additional comments they have.

Continuing with Chapter 5, having minimal changes, with the exception of Section 5.3, Non-Conforming Uses and Development noted the additional criteria added and also the possibility of applying for an application to increase (meeting criteria) the nonconforming use. The Non-Conforming Application shall conform to the requirements of the specific Type I, II or III applications as applicable. Noting this was a recommendation from staff and prior discussion with the commission.

After reviewing the final two (2) chapters, Mrs. Gilbert stated that at the next Planning Commission meeting we will review the entire Sutherlin Development Code in preparation in bringing it back for recommendation to City Council.

**ACTIVITY REPORT – Jamie Chartier, City Planner**, asked the commission if they had a chance to review the activity report and if they had any questions. Chair Lee applauded City Staff on the TSP Adoption and noted their hard work.

**COMMISSION COMMENTS** – None

**ADJOURNMENT** - With no further business the meeting was adjourned at 8:01 pm.

Respectfully submitted,

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Jamie Chartier, City Planner

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

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William Lee, Commission Chair

## Chapter 1

### INTRODUCTION

#### Sections:

#### 1.1 Sutherlin Development Code

#### 1.2 General Administration

- 1.2.100 Interpretation of Purpose Sections
- 1.2.110 Most Restrictive Regulations Apply
- 1.2.120 Pre-Existing Approvals
- 1.2.130 Building Permit and Certificate of Occupancy

#### 1.3 Definitions

#### 1.4 Enforcement

- 1.4.100 Minimum Requirements
- 1.4.110 Violations
- 1.4.120 Penalty
- 1.4.130 Complaints Regarding Violations
- 1.4.140 Abatement of Violations
- 1.4.150 Stop-Order Hearing

**Accessory dwelling** - A small, secondary housing unit on a lot with a single family dwelling. Accessory dwellings are limited in size and restricted to certain zoning districts. They can be attached to the primary dwelling or not attached. An accessory dwelling may also be located above a garage that is either attached to the primary dwelling or free-standing. (See section 2.67.100.)

**Administrative action** – a proceeding pursuant to this Code that is a land use decision or a limited land use decision under State Law, in which legal rights, duties, or privileges of specific parties are determined, and any appeal or review thereof.

**Alteration** – any change, addition or modification in construction, occupancy or use.

**Automobile wrecking yard** – any area of land used for the storage wrecking, or sale of two or more inoperable motor vehicles, trailers, farm equipment or parts thereof. Where such vehicles, trailers, equipment, or parts are stored in the open and are not being restored to operating condition, and including any land used for the commercial salvaging of any other goods, articles, or merchandise.

**Brewery, macro** – a business that produces beer, wine, or alcohol wholly within an enclosed building. Macro breweries must be able to facilitate commercial trucks onsite for large-scale distribution. A tap room is not required. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

**Brewery, micro** – a business that produces beer, wine or alcohol wholly within an enclosed building where the gross floor area dedicated to production and storage is no greater than 20,000 square feet. Within one year of beginning production, micro-breweries are required to have a tap room that is open to the public at least three days or ten hours per week. Tap Rooms shall have a minimum floor area equal to five (5%) of the total floor area uses for production and storage. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

**Change of use** – a change from an existing use to another permitted use according to the applicable zoning.

**Commercial Storage** – see warehouse.

**Comprehensive Plan** - The generalized, coordinated land use map and policy statement of the City of Sutherlin or Douglas County, as applicable, that interrelates all functional and natural systems and activities in the use of lands, sewer and water systems, transportation systems, educational systems, recreational systems, and natural resources and air and water quality management programs.

**Contiguous Lots** – Two or more abutting lots having at least one common boundary line greater than eight feet in length.

**Data Center** – data storage and processing facilities, electronic products – manufacture, storage and assembly, together with all related and supporting uses and facilities.

**Developable** - Buildable land, as identified by the city's Comprehensive Plan. Includes both vacant

land and land likely to be redeveloped, per ~~ORS 197.295(1).~~ ORS 197.490.

**Dwelling unit** - ~~A dwelling unit is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the uniform building code, for not more than one family, or a congregate residence for ten (10) or less persons. (UBC 205)~~

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

~~**Family**—An individual, or two or more persons related by blood, marriage, adoption, legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to no more than two additional persons, excluding servants; or a group of more than five unrelated persons living together as one housekeeping unit using one kitchen; or a group of six or more persons living together as one housekeeping unit using one kitchen, if said persons are handicapped persons as defined in Title VII of the Civil Rights Act of 1968.~~

**Farm** - A body of land devoted to agriculture, either raising crops or pasture for livestock. “farm use” as defined in ORS 215.203 means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267

**Home occupation, home occupation site** - A home occupation is an occupation carried on within a dwelling by members of the family occupying the dwelling with no employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupation shall be a secondary use on the premises, shall not occupy more than twenty-five (25) percent of the floor area of one floor of the dwelling and there shall be no stock in trade stored or displayed, or goods sold upon the premises. (See section 2.67.150).

~~**Lot frontage**—The front to a lot shall be construed to be the portion 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 line, front - A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. If a lot does not abut a street, then the front lot line is the line which runs perpendicular to the driveway providing vehicular access to the lot.

Lot line, rear – means the lot line or lines opposite and most distant from the front lot line. In the case of an irregularly, shaped lot, the rear lot line shall be a line or lines connecting the side lot lines that is the most distant from the front lot line. For a triangular shaped lot, the “rear lot line” shall be a line ten (10) feet in length located entirely within the lot, connecting the side lot lines and that is parallel to the front lot line.

Lot line, side – A lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot, or to the lot and an alley; an exterior side lot line is a lot line common to the lot and a street other than an alley.

**Lot, through** - An interior lot having frontage on two (2) streets that are approximately parallel, other than an alley, and are not identified as intersecting street corners.

Lot of Record – unit of land created as follows:

1. A lot in an existing and duly recorded subdivision; or
2. A parcel in an existing, duly recorded land partition; or
3. An adjusted lot resulting from an approved lot line adjustment; or
4. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
5. Any unit of land created prior to zoning and partition regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Code shall be considered one (1) lot of record.

**Multi-family housing** - ~~A building designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as residences by three or more families living independently of each other. A structure or grouping of structures containing three or more dwellings on the same lot. The land underneath the structure(s) is not divided into separate lots.~~-(See section 2.2.110.)

**Residential Facility** —~~A residential care facility, residential training facility, or residential treatment facility as defined by ORS 443.400, that is licensed by the Department of Human Services and 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. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any other resident of the residential facility.~~ A residential facility is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

**Residential Home** – ~~A residential treatment home or residential training home as defined in ORS 443.400, or an adult foster home as defined in ORS 443.705, that is licensed by the Department of Human Services and that 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 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.~~ A residential home is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).

**Senior housing** - ~~Housing designated and/or managed for persons over the age of fifty five (55). (Specific age restrictions vary.)~~ Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

**Setback** - ~~The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance~~ (yard dimension) from a building to a specified property line.

**Single-family attached housing (townhomes)** - ~~Two (2) or more single family dwellings with common end walls.~~ A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s)

~~**Single-family non-attached house**—A single family dwelling that does not share a wall with any other building.~~

**Single-family detached dwelling:** A detached dwelling unit located on its own lot.

~~**Single-family non-attached zero-lot line house**—A single family non-attached house with one (1) side yard setback equal to zero (0).~~

**Single-family detached zero-lot line house:** A single-family detached house with one (1) side yard setback equal to zero (0). The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side. Zero-lot-line houses are subject to the parcel and building standards of the applicable Zoning District except as modified or supplemented by the zero-lot-line house standards of this definition. No more than one zero-lot-line dwelling may be located on a single parcel.

1. A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.
2. Zero-lot-line house developments require that the planning for all house locations be done at the same time.
3. The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot



that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.

4. Eaves on the side of a house with a reduced setback may not project over the property line.
5. When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.
6. The side of the house which faces the reduced or zero-lot-line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

**Tap room** – means an accessory use within or physically connected to a brewery that allows customers to purchase beer, wine or alcohol for onsite consumption and in containers for offsite consumption. Such areas may include retail sale of merchandise and/or entertainment activities. Permitted restaurants (whether outright by zoning or upon conditional approval) that serve the brewery's product may satisfy a micro-brewery's requirement to have a tap room onsite.

**Townhome** – a single family home that shares one or more walls with other independently-owned units. They are often rows of uniform homes, two stories or taller. Residents own their interior and exterior walls, lawn, and roof, as well as the insurance for both their home and property.

**Warehouse** – a large building where raw materials or manufactured goods are stored until they are exported to other locations or distributed to stores to be sold.

**Watchman's Quarters** – A "Watchman's Quarters" is one accessory single-family dwelling unit located within a principal commercial or industrial non-residential structure, or on the same parcel of land as the principal commercial or industrial non-residential structure, for occupancy by the owner, operator or an employee of the principal use acting as caretaker, custodian or security personnel, together with his or her immediate family, if applicable. Such use shall be subject to the following:

1. The quarters shall be accessory to the main use;
2. The quarters may be included within the main structure(s);
3. There shall be no payment of rent by the occupant of the quarters;
4. The quarters are limited to one family;
5. The quarters may be reviewed every two years for compliance with this Code by the Director, and if no longer necessary or not in compliance, the quarters will be removed or corrected. The quarters may be required to be removed at any time if not in compliance with any conditions of the approval; and,
6. Additional conditions of approval may be required by the Director to ensure compatibility with adjacent uses.

**Wrecking yard** – A wrecking yard, scrapyard or junkyard is the location of a business in dismantling where wrecked or decommissioned vehicles are brought, their usable parts are sold for use in operating vehicles, while unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

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## Chapter 2

### Zoning Districts

#### Sections:

#### 2.1 Zoning District Administration

- 2.1.100 Classification of Zoning Districts
- 2.1.110 Zoning District Map
- 2.1.120 Determination of Zoning District Boundaries
- 2.1.130 Accessory Uses and Structures

#### 2.2 Residential Districts

- 2.2.100 Purpose and Applicability
- 2.2.110 Permitted Uses, Conditional Uses, and Structures
- 2.2.120 Development Standards

#### 2.3 Commercial Districts

- 2.3.100 Purpose and Applicability
- 2.3.110 Permitted Uses, Conditional Uses, and Structures
- 2.3.130 Development Standards
- 2.3.135 Special Use Status for Single Family Residences

~~2.3.100 Purpose and Applicability~~

#### 2.4 Public / Semi- Public District

- 2.4.100 Purpose and Applicability
- 2.4.110 Permitted Uses
- 2.4.120 Accessory Uses and Structures
- 2.4.130 Development Standards

~~2.4.100 Purpose and Applicability~~

#### 2.45 Mixed Use District

- 2.45.100 Purpose and Applicability
- 2.45.110 Permitted Uses, Conditional Uses, and Structures
- 2.45.120 Development Standards

#### 2.5 Industrial Districts

- 2.5.100 Purpose and Applicability
- 2.5.110 Permitted Uses
- 2.5.120 Development Standards
- 2.5.125 Special Status for Single Family Residences

#### 2.6 Forestry Resource (FR-20) District

- 2.6.100 Purposed and Applicability
- 2.6.110 Permitted Uses and Structures
- 2.6.120 Conditional Uses and Structures
- 2.6.130 Development Standards

## Section 2 - Zoning Districts

### **2.67 —Special Use Standards**

- 2.67.100 Accessory Dwellings
- 2.67.110 Accessory Uses and Structures
- 2.67.120 Bed and Breakfast
- 2.67.130 Drive-Through Facilities
- 2.67.140 Group Care Homes and Facilities
- 2.67.150 Home Occupation
- 2.67.160 Manufactured Homes on Individual Lots
- 2.67.170 Manufactured Home Parks
- 2.67.180 Residential Sales Office, Temporary
- 2.67.190 Wireless Telecommunication Facilities
- 2.67.210 RH Zone – Hillside Development Standards and Slopes over 12%
- 2.67.220 Excavation and Grading in all Zones
- 2.67.230 Watercourse Protection
- 2.67.240 Agriculture, Livestock

### **~~2.7 —Forestry Resource (FR-20) District~~**

- ~~2.7.100 Purposed and Applicability~~
- ~~2.7.110 Permitted Uses and Structures~~
- ~~2.7.120 Conditional Uses and Structures~~
- ~~2.7.130 Development Standards~~

## Section 2 - Zoning Districts

### Section 2.1

#### ZONING DISTRICT ADMINISTRATION

- E. Special Use Standards.** The special use standards contained in section 2.67.100, Accessory Dwellings, and section 2.67.110, Accessory Uses and Structures, shall also apply.

2.2.110 Permitted Uses, Conditional Uses, and Structures. Table 2.2.110 identifies land uses according to permit status. See key below the table:

Table 2.2.110 – Permitted Uses				
Uses	Status of Use in District			
	RH	R-1	R-2	R-3
<b>Residential</b>				
Single Family Dwellings				
- Single family dwelling	S-P	P	P	P
- Single family non-attached zero-lot line	S-PUD	P	P	P
- Attached townhome – maximum of 4 attached	S-PUD	N	P	P
- Attached townhome – maximum of 8 attached	S-PUD	N	N	P
- Accessory dwellings	S-P	S	S	S
- Temporary Medical Hardship Dwelling	S-P	S-P	S-P	S-P
Duplex				
- Corner lot	S-PUD	P	P	P
- Interior lot	S-PUD	N	P	P
Manufactured Homes – individual lots	S-PUD	S	S	S
Manufactured Home Park	N	N	C	S
Multifamily Dwelling				
- 3 or 4 dwellings	N	N	P	P
- more than 4 dwellings	N	N	N	P
Residential care home/facility				
- Residential care home	<del>C-S-P</del>	S	S	S
- Residential care facility	N	N	S	S
Family daycare	P	P	P	P
Home Occupation (Section 2.67.150)	S-P	S-P	S-P	S-P
Agriculture, Horticulture (and livestock) (Section 2.67.240)	S-P	S-P	S-P	S-P
<b>Public and Institutional</b>				

**Key:**

P = Permitted  
 S = Permitted with special standards or limitations  
 C = Conditional use permit required  
 N = Not permitted

RH = Residential hillside district  
 R-1 = Low density district  
 R-2 = Medium density district  
 R-3 = High density district

S-PUD Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)

## Section 2 - Zoning Districts

Table 2.2.110 – Permitted Uses				
<i>Uses</i>	<i>Status of Use in District</i>			
	<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Churches and places of worship	N	C	C	C
Clubs, lodges, similar uses	N	C	C	C
Government office and facilities (administration, public safety, transportation, utilities and similar uses)	N	C	C	C
Libraries, museums, community centers, and similar uses	N	C	C	C
Public parks and recreational facilities	P	P	P	P
Schools (public and private)	C	P	P	P
Telecommunications structures (including wireless) (S)	C	C	C	C
Uses similar to those listed above	P/S/S-PUD/C/N	P/S/C/N	P/S/C/N	P/S/C/N
Bed and Breakfast Inns and Vacation Rentals	S/C	S/C	S/C	S/C
Accessory Use and Structures <a href="#">(Section 2.7.110)<sup>2</sup></a>	P	P	P	P

**2.2.120 Development Standards.** Table 2.2.120 provides the development standards for Sutherlin's residential districts.

Table 2.2.120 – Development Standards				
<i>Standard</i>	<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
<del>Minimum Zone Size</del>	<del>None</del>	<del>None</del>	<del>None</del>	<del>None</del>
Minimum-Maximum Density (dwelling units/net acre)	0-3 du/acre	0-6 du/acre	0-12 du/acre	<del>8</del> <sup>12</sup> -27 du/acre
Minimum Lot Area (square feet)				
- single family non-attached lot	12,000 s.f.	<del>7,500</del> s.f.	6,000 s.f.	5,000 s.f.
- duplex lot	na	9,000 s.f.	6,000 s.f.	6,000 s.f.
- single family attached lot	na	na	3,000 s.f.	2,000 s.f.
- multiple family lot	na	na	9,000 s.f.	6,000 s.f.

**Key:**

P = Permitted  
 S = Permitted with special standards or limitations  
 C = Conditional use permit required  
 N = Not permitted  
 S-PUD = Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)  
 RH = Residential hillside district  
 R-1 = Low density district  
 R-2 = Medium density district  
 R-3 = High density district

## Section 2 - Zoning Districts

**Table 2.2.120 – Development Standards**

<i>Standard</i>		<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Minimum Lot Dimensions (feet)					
- width at frontage – standard		50 ft.	50 ft.	40 ft.	40 ft.
- width at frontage – townhouse		24 ft.	n/a	24 ft.	24 ft.
- width at frontage – flag lot		20 ft.	20 ft.	20 ft.	20 ft.
(Section <del>2.6.2003.2.110(Q)</del> )					
- depth – alley right-of-way		100 ft.	90 ft.	80 ft.	70 ft.
- depth – no alley r-o-w.		100 ft.	100 ft.	90 ft.	80 ft.
Maximum Lot Coverage(1)		35% (Geotechnical Report Required)	50%	60%	60%
Minimum Dwelling Unit Size (except does not apply to accessory dwelling units)		1,200 sf.	1,200 s.f.	1,000 s.f.	no standard
Maximum Height In Feet	Primary structure	35 ft.	35 ft.	35 ft.	35 ft.
	Accessory structure	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Setback in Feet	Front				
	- house	15 ft.	15 ft.	15 ft.	15 ft.
	- garage entrance	20 ft.	20 ft.	20 ft.	20 ft.
	Side – one story	5 ft.	5 ft.	5 ft.	5 ft.
	Side – two story	10 ft.	10 ft.	7 ft.	7 ft.
	Side – townhouse (common wall)	0 ft.	0 ft.	0 ft.	0 ft.
	Street side				
	- one story	20 ft.	15 ft.	10 ft.	10 ft.
	- two story	20 ft.	15 ft.	15 ft.	15 ft.
	Rear	10 ft.	10 ft.	10 ft.	10 ft.

(1) Compliance with other code standards may preclude development at the maximum allowable lot coverage.

## Section 2 - Zoning Districts

Table 2.3.110 – Permitted Uses		
Uses	Status of Use in District	
	C-1	C-3
<b>Residential</b> , provided that the residential component comprises not more than 50% of the building floor area.	P	P
Residential Home	CS	CS
Residential Facility	P	P
Residential Center	P	P
<b>Commercial</b>		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
<u>Brewery</u>		
- <u>Macro</u>	<u>C</u>	<u>P</u>
- <u>Micro</u>	<u>C</u>	<u>P</u>
- <u>Tap Room</u>	<u>P</u>	<u>P</u>
Office and Clinics (Professional, Medical, Dental, etc., including Medical Laboratories)	P	P
Mortuaries, Crematoriums and Columbarium excluding outside storage or display	P	P
Lodging, including Bed and Breakfast	P	P
Vehicle Sales and Services, Including fuel sales	C	P
Commercial and Public Parking	P	P
Commercial Storage		
- enclosed in an upper story of a building	P	P
- not enclosed in building or on ground floor	C	P
Entertainment		
- enclosed in building (e.g., theater, <u>bowling alley, dance hall, skating rink</u> )	P	P
- not enclosed (e.g., amusement)	C	C
Recreational Vehicle Sales, Services and Parks	C	P
Wholesale		
- enclosed in a building	C	P
- not enclosed in a building	N	P
Mixed Use (residential with commercial or civic use) See Residential, above.	P	P
<b>Civic</b>		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools		

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## Section 2 - Zoning Districts

- pre-school, daycare, and primary	C	C
- secondary, colleges, and vocational	C	C
Clubs and Religious Institutions	C	C
<b>Industrial</b>		
Manufacturing and Production		
- greater than 5,000 sq. ft.	N	C
- not enclosed in a building or on ground floor	C	C
Warehouse		
- enclosed in an upper story of a building	P	P
- not enclosed in a building or on ground floor	N	P
Telecommunications structures, including wireless	C/S	C/S
Transportation, Freight and Distribution	N	C
Industrial Service (e.g., cleaning, repair)	C	C
Processing of Raw Materials	N	C

### Key:

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

C-1 =

Downtown Commercial  
District

C-3 =

Community Commercial  
District

## Section 2.4

### PUBLIC / SEMI-PUBLIC DISTRICTS

**2.4.120 Permitted Accessory Uses and Structures.** A public/semi-public district accessory uses and structures are permitted subject to review and approval ~~in a public hearing,~~ and The attachment of conditions ~~as may be~~ necessary to ensure compatibility with adjacent land uses.

## Section 2.5

### INDUSTRIAL DISTRICTS

#### 2.5.110 Permitted Uses.

**A. Permitted Uses.** The land uses listed in Table 2.5.110 are permitted in the industrial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.5.110, and land uses that are approved as “similar” to those in Table 2.5.110, may be permitted. The land uses identified with a “C” in Table 2.5.110 require Conditional Use Permit approval prior to development or a change in use, in accordance with section 4.5.

## Section 2 - Zoning Districts

Table 2.5.110 – Permitted Uses		
Uses	M-1	M-2
<b>Industrial</b>		
(1) Heavy manufacturing and assembly, and (2) Processing of raw materials	N N	C C
Light manufacture (e.g., electronic equipment, electronic vehicles, printing, bindery, furniture, and similar goods)	P	P
Warehousing and distribution	P	P
Junk yard, motor vehicle wrecking yard, and similar uses	N	P
Research facilities	P	N
Mini-warehouse and storage	P	N
<b>Residential</b>		
Caretaker unit	<u>S-P</u>	<u>S-P</u>
<b>Commercial</b>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	C
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
Outdoor commercial uses (e.g., outdoor storage and sales)	P	N
Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, convenience stores/mini-marts, banks and financial institutions, and similar uses)	C	N
<u>Brewery</u> <u>- Macro</u> <u>- Micro</u> <u>- Tap Room</u>	<u>P</u> <u>P</u> <u>C</u>	<u>P</u> <u>C</u> <u>C</u>
Repair services	P	C
Wholesale trade and services	P	N
<b>Public and Institutional Uses</b>		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and similar facilities)	P	P
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P

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## Section 2 - Zoning Districts

Table 2.5.110 – Permitted Uses		
Uses	M-1	M-2
Telecommunication structures, including wireless (S)	C	C
Accessory Uses and Structures	P	P

**Key:**

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

### 2.5.120 Development Standards.

#### A. Setbacks.

Table 2.5.120A – Setbacks		
Standards	M-1	M-2
Front yard setbacks, minimum	20	20 ft.  The setback standard shall increase by one foot for every one foot of building height in excess of 35 feet.
Rear yard setback, minimum	None  Except that buildings shall be setback from residential districts by a minimum of 40 feet.	None  Except that buildings shall be setback from residential districts by a minimum of 40 feet, and from other non-industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 35 feet.
Side yard setback, minimum	None  Except that buildings shall be setback from residential districts by a minimum of 25 feet.	None  Except that buildings shall be setback from residential districts by a minimum of 40 feet and from other non-industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 35 feet.
Lot Coverage, maximum	70 percent	80 percent

## Section 2.6

### FORESTRY RESOURCE (FR-20) DISTRICT

#### 2.6.100 Purpose and Applicability.

- A. Purpose. The purpose of this classification is intended to preserve lands with high forest potential or lands not immediately available for development. The zone is

## Section 2 - Zoning Districts

applied to areas in the urban growth boundary and to property inside the city limits but outside of the UGB where urbanization is untimely and services cannot be provided in the immediate future.

B. Applicability. The forestry resource district applies to lands that have been so designated on the zoning map and designated as Forestry Resource (FR- 20).

**2.6.110 Permitted Uses and Structures.** Single family dwelling associated with resource management activities.

**2.6.120 Conditional Uses and Structures.** In the FR-20 zone, the following uses are conditionally permitted subject to the development standards in Sections 2.6.130 after hearing and, if necessary, attachment of conditions according to the procedures listed in Section 4.5 [Conditional Use Permits], as necessary to ensure compatibility with adjacent land uses.

<b>Table 2.6.120 – Conditional Uses</b>	
<u>Uses</u>	<u>Status of Use in District</u>
<u>Traditional Home Uses</u>	<u>P</u>
<u>Public facilities; except not allowing public business offices, repair, or storage facilities.</u>	<u>C</u>
<u>Public parks, recreation areas, and publicly owned and operated properties</u>	<u>C</u>
<u>Uses similar to those listed above in nature and intent, as deemed by the Planning Commission</u>	<u>C</u>

**Key:**

P = Permitted  
S = Permitted with special standards or limitations  
C = Conditional use permit required  
N = Not permitted

**2.6.130 Development Standards.** All development within the forestry resource district must comply with the development standards listed in Table 2.6.130.

<b>Table 2.6.130 – Development Standards</b>	
<u>Standard</u>	<u>P</u>
<u>Lot size minimum (acres)</u>	<u>20 acres</u>
<u>Lot depth minimum (feet)</u>	<u>None</u>
<u>Lot frontage minimum (feet)</u>	<u>None</u>
<u>Lot Coverage maximum (percent)</u>	<u>None</u>
<u>Yard Setback minimums (feet)</u>	
- <u>front setback</u>	<u>30 feet</u>
- <u>side setbacks</u>	<u>25 feet</u>
- <u>rear setbacks</u>	<u>25 feet</u>
<u>Building Height maximum (feet)</u>	<u>50 feet, except increased height allowed subject to Conditional Use Permit</u>

Section 2.67

SPECIAL USE STANDARDS

Determining consistency with Special Use Standards is considered a Type I Procedure and is processed pursuant to Section 4.2.120.

**2.67.100 Accessory Dwellings.** Where accessory dwelling units (ADUs) are permitted, they shall conform to the following standards:

- A. **Building Codes.** Comply with applicable building codes and structural specialty codes;
- B. **One ADU per Lot.** A maximum of one (1) accessory dwelling unit is allowed per single family dwelling lot;
- C. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed ~~six eight~~ hundred ~~(600) (800)~~ square feet. ~~Dwellings in excess of six hundred (600) square feet are considered duplexes (not accessory dwellings), if attached to the primary dwelling, or second dwellings (also not an accessory dwelling) if not attached. Second dwellings on a lot or parcel are not permitted in the RH or R-1 zones;~~
- D. **Parking.** One (1) off-street parking space shall be provided for the accessory dwelling;
- E. **Development Standards.** Comply with the setback, building height, lot coverage, and other applicable development standards;
- F. ~~**Architecture.** Accessory dwellings in all residential zones shall be constructed of similar or better quality and type of materials as used in the principal structure on the same lot. Accessory dwellings shall not be in a manufactured home. Accessory dwellings shall be stick built. Wood, brick, stone, cultured stone, and concrete fiber (imitation wood) siding are allowed. Vinyl, metal, concrete block, and T111 (wood paneling) are not allowed. Acceptable roof materials include concrete composite, architectural grade composite, tile, architectural grade metal roofing with non metallic finish, and similar quality materials as determined by the City;~~
- G. **Infrastructure.** Sewer, water and utility services shall be provided to the dwelling in conformance with City standards.

**2.67.110 Accessory Uses and Structures.**

- A. **Applicability.** Accessory uses and structures shall be incidental to the principal use. They must occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property.
- B. **Accessory Building.** Relationship to Other Uses. Accessory buildings may be used for home occupations, in conformance with section 2.67.150. Only accessory dwelling units may be used for sleeping or living purposes, and they shall conform to the standards in section 2.67.100.
- C. **Accessory Building.** Location. An accessory building shall be located on the same lot with the principal building. Accessory buildings shall conform to all regulations of the zone district wherein it exists, except as modified by the following standards:

## Section 2 - Zoning Districts

1. All accessory buildings that are not attached to the primary dwelling shall be set back a minimum of twenty-five (25) feet from the public street providing vehicle access to the primary building. These buildings may encroach into the standard rear and side yard setbacks, provided that required separation for fire protection is provided and the following standards are met:

a. In no case shall the setback be less than five (5) feet

ab. On a corner lot, the accessory building shall not be located closer to the street side property line than that required for the main building. On a lot in the RH district, the accessory building shall not be located closer than twenty (20) feet from rear and side property lines;

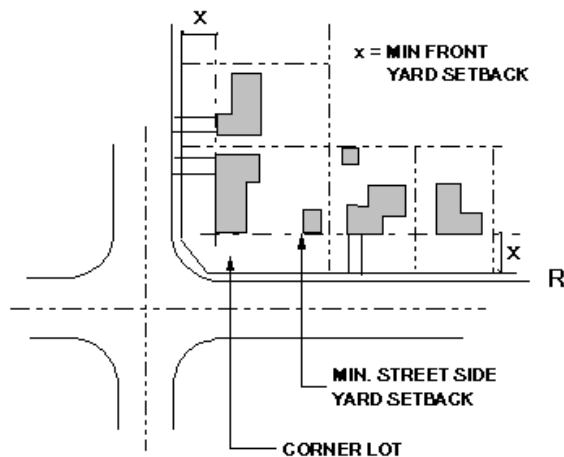


Figure 2.6.100D1a 2-1 Accessory Building Street Setback

- bc. On a through lot, the accessory building shall not be located closer to the rear property line than the distance required for front yard setback;
- ed. An accessory building exceeding eight (8) feet in height or six hundred (600) square feet shall not be located closer than seven (7) feet to any property line.

## Section 2 - Zoning Districts

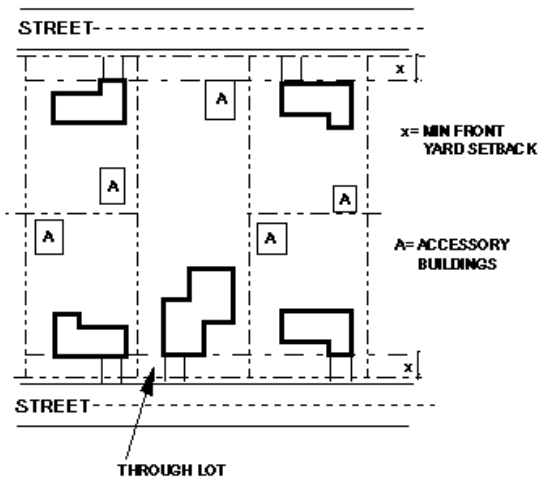


Figure 2.6.100D1e 2-2 Accessory Building Height/Setback

2. Any building that is accessory to any residential building shall not be erected to a height exceeding fifteen (15) feet; except that an accessory structure may exceed fifteen (15) feet in height when each applicable setback is increased by one (1) foot for every one (1) foot of building height over fifteen (15) feet. Buildings shall not exceed the height limitation of the underlying zone;

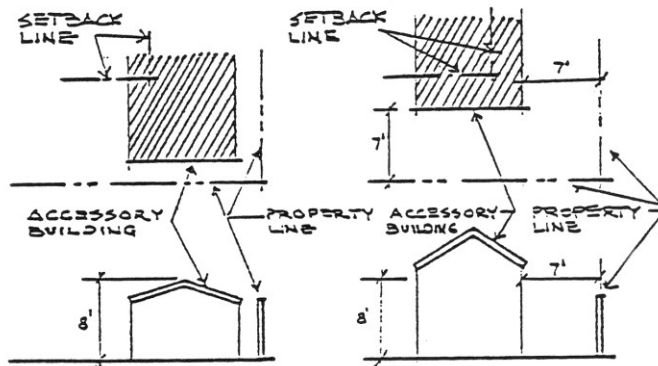


Figure 2.6.100D2 2-3 Accessory Building Lot Coverage

3. An accessory building shall not occupy more than twenty-five (25) percent of the area lying between the rear of the main building and the rear property line.

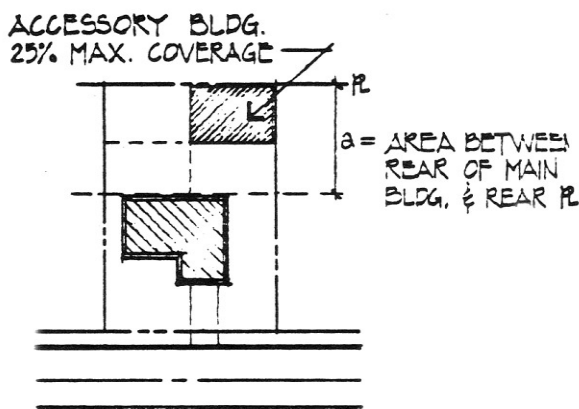


Figure ~~2.6.100D3~~ 2-4 Accessory Building Rear Property Line

- D. Outdoor Sales/Display as an Accessory Use.** Temporary outdoor sales or displays shall not encroach into a public right-of-way.

**2.67.120 Bed and Breakfast.** Bed and breakfast use is allowed in all commercial districts and allowed in all residential districts subject to approval of a conditional use permit and conformance to the following standards:

- A. Accessory Use.** A bed and breakfast facility must be accessory to a residential use on the subject site. This means that the individual or family who operates the facility must occupy the house as their primary residence. The house must be at least five (5) years old before a bed and breakfast facility is allowed.
- B. Maximum Size.** Bed and breakfast facilities are limited to a maximum of five (5) bedrooms for guests and the maximum occupancy per night shall be established by conditional use permit.
- C. Employees.** Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the conditional use permit. Hired service for normal maintenance, repair and care of the residences or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored with conditions as part of the conditional use permit approval.
- D. Service to Guests.** Food services may only be provided to overnight guests of a bed and breakfast in residential districts; food service may be provided to overnight guests and other guests in the commercial districts. Any other service is subject to the use requirements of the land use district.
- E. Meetings and Social Gatherings.**
  1. Commercial meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited at a bed and breakfast facility.



## Section 2 - Zoning Districts

2. Private social gatherings. The residents of bed and breakfast facilities may be allowed to have social gatherings, parties, or meetings if authorized in the conditional use permit.

**2.67.130 Drive-Through Facilities.** Drive-through facilities (drive-up windows and associated drive aisles at banks, restaurants, pharmacies, and other commercial uses; automotive fuel pump islands; and similar drive-through facilities) are a permitted use and shall be oriented toward side or rear yards. Where a drive-through facility or associated drive lane or queuing area must abut a street right-of-way, such facility shall be setback from the street rights-of-way behind a landscape buffer of not less than eight (8) feet in width. In the C-1 zone, a drive-through facility shall not be placed within the minimum-maximum setback. See Figure 2.67.130.

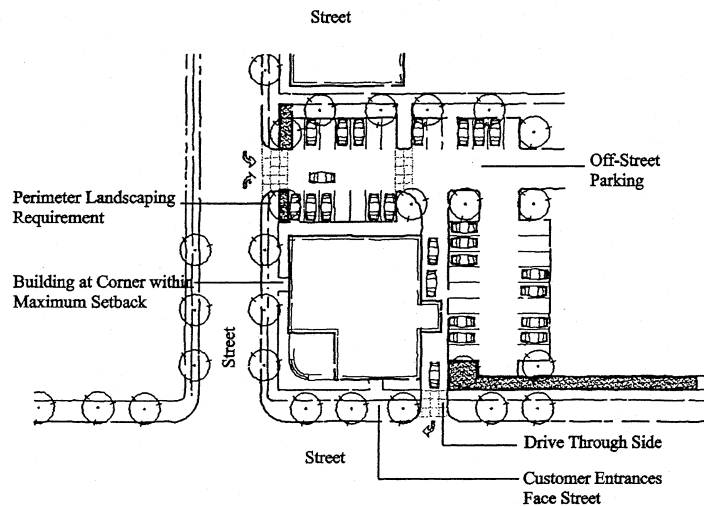


Figure 2.67.130.2-5 Drive-Through Facilities.

**2.67.140 Special Residences.** Group care residences are residential treatment or training residences or adult foster residences licensed by the state of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for residents who need not be related. Staff persons must meet state of Oregon licensing requirements, shall not be counted in the number of home, facility and center residents, and need not be related to each other or the residents. Residential care homes, facilities and centers shall comply with the following standards, consistent with ORS 197.660-670:

- A. **Licensing.** All residential care homes shall be duly licensed by the State of Oregon.
- B. **Parking.** A minimum of one (1) parking space shall be provided for each employee and typical number of visitors, in accordance with Section 3.4 Parking requirements.
- C. **Development Review.** Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing

## Section 2 - Zoning Districts

residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

**2.67.150 Home Occupation.** Home occupations are subject to the following standards:

**2.67.160 Manufactured Homes on Individual Lots.** Manufactured homes are subject to all of the following design standards, consistent with ORS 197.307~~(5)(8)~~. Exception: The following standards do not apply to units that were placed on their current site prior to the effective date of this code.

- A. **Relocation.** Once occupied for residential use, a manufactured home shall not be relocated to a different residentially zoned lot in the City.
- B. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than one thousand (1,000) square feet ~~in R-2 and R-3 zones, or one thousand two hundred (1,200) square feet in R-1 and RH zones;~~
- C. **Roof.** The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (fourteen (14) degrees);
- D. **Residential Building Materials.** The manufactured home shall have non-reflective exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal or vinyl siding, and composite roofing is superior to metal roofing);
- E. **Garages and Carports.** The manufactured home shall have a garage or carport constructed with like materials when ~~50 % of nearby~~ residences within 200 feet of the lot have carports or garages. The city may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;

**2.67.170 Manufactured Home Parks.** Manufactured home parks are subject to compliance with subsections A-F, below:

- B. **Permitted Uses.** Single family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with section 2.67.150, Home Occupations.

**2.67.180 Residential Sales Office, Temporary.** A temporary residential sales office (i.e., model house, manufactured home, or similar residential building) is permitted for the sale of homes being constructed on the premises and for a period not exceeding eighteen (18) months. An extension of this time requires approval by the Planning Commission/City. The residential sales office is subject to the following conditions:

**2.7.190 Lighting.** Adequate exterior lighting shall be provided to promote public safety and shall be directed onto and confined to the property from which it is generated. All outdoor light fixtures used for general illumination or advertisement are subject to the following standards:

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## Section 2 - Zoning Districts

1. All on-site lighting shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination, glare, or cast a shadow onto adjacent properties or into the public right-of-way.
  - a. Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.
  - b. Glare means stray, unshielded light striking the eye that may result in nuisance such as light shining into a window, discomfort causing squinting of the eyes, disabling vision by reducing the ability of the eyes to see into shadows, or reduction of visual performance.
2. The use of laser light, high intensity light, searchlight, or similar upwardly directed lighting is prohibited.
3. Exemptions.
  - a. Low intensity, upwardly directed lighting intended to highlight part of a building, sign, flag, or landscaping may be permitted, provided that the light distribution from the fixture is effectively constrained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Containment elements may include but are not limited to awnings, shrubs, or dense tree canopies that limit illumination of the sky.

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### **2.67.490200 Wireless Telecommunication Facilities.**

- A. Purpose and Intent.** The provisions of this section are made to establish a reasoned approach for the construction, placement, modification, maintenance, and removal of telecommunication facilities. The establishments of these regulations recognize the need of telecommunication providers to build out their systems over time to provide wireless telecommunication services to municipal residents and businesses. The specific purposes of this section are as follows:

### **2.6.240 2.7.220 RH Zone and slopes greater than 12% – Development Standards.**

This section describes the permit requirements for lands proposed for development within the RH zone and in areas with a slope of greater than 12%. Site Development, grading and excavation in all other zones is detailed within Section 2.67.220. Land designated RH has been determined to be in an area with slopes that are potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by ground movement, erosion or excessive runoff.

- K. Cuts and Fill.** All cuts, grading or fills shall be designed in a manner that will be stable for the intended use, conform to the applicable requirements of the most current versions of the uniform building code and the Oregon structural specialty code, and meet the following requirements:

## Section 2 - Zoning Districts

1. Documentation. Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and locations of each cut or fill.
2. Approval. Any cuts and/or fills greater than 50 cubic yards shall require a Site Plan approval per the provisions of Section 2.67.210(B).

**2.67.220 Site Development, Excavation, Grading – In all Zones.** Except as provided in section 2.67.210, excavation, fill placement, or removal of trees or ground cover shall require a permit from the Planning Department.

**C. Minimum Requirements:**

1. Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
2. Removal of vegetation shall not occur more than 30 days prior to grading or construction.
3. If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.
4. Temporary or stockpile fill placement shall only be allowed for a maximum of 30 days prior to commencement of grading work.
5. Any cuts and/or fills greater than 50 cubic yards shall require a site plan approval per the provisions of section 2.67.210(B).

**2.67.230 Watercourse Protection.** Mature ground cover and trees, wildlife habitats, and the natural contours of the watercourses identified below shall be preserved as provided herein. For distances noted in the following table, measured from the top of the stream bank, there shall be a setback of structural and any other physical development such as parking lots, retaining walls, channel alterations, etc. from the stream bank unless, after consultation with the Oregon Department of Fish and Wildlife, findings are made by the Director pursuant to Section 5.2.120(B) that a proposed reduction in setback:

- A. Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife;
- B. Is required for flood control, and actions are taken to mitigate such impacts as much as is possible;
- C. Is not required for flood control; and
- D. Is not in conflict with any other drainage ordinance or plan.

For the purposes of this Section, the top of the stream bank shall be as determined by the elevation at which water overflows the natural bank and begins to inundate upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to delineate the top of bank.

Watercourse	Setback	Setback
	All Residential and CS zones	All Commercial, Industrial, and FR- <del>7520</del> Zones
Sutherlin Creek	50'	50'

## Section 2 - Zoning Districts

Cooper Creek	50'	50'
Cook Creek	25'	50'

**2.67.240 Agriculture, Livestock.** The uses are only allowed in the FR-20 and the residential zones and subject to section 2.67.240. The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required listed below:

### Section 2.7

#### FORESTRY RESOURCE (FR-20) DISTRICT

##### ~~2.7.100 Purpose and Applicability.~~

- ~~A. Purpose. The purpose of this classification is intended to preserve lands with high forest potential or lands not immediately available for development. The zone is applied to areas in the urban growth boundary and to property inside the city limits but outside of the UGB where urbanization is untimely and services cannot be provided in the immediate future.~~
- ~~B. Applicability. The forestry resource district applies to lands that have been so designated on the zoning map and designated as Forestry Resource (FR-20).~~

~~2.7.110 Permitted Uses and Structures. Single family dwelling associated with resource management activities.~~

~~2.7.120 Conditional Uses and Structures. In the FR-20 zone, the following uses are conditionally permitted subject to the development standards in Sections 2.7.130 after hearing and, if necessary, attachment of conditions according to the procedures listed in Section 4.5 [Conditional Use Permits], as necessary to ensure compatibility with adjacent land uses.~~

**Table 2.7.120—Conditional Uses**

Uses	Status of Use in District
Traditional Home Uses	P
Public facilities; except not allowing public business offices, repair, or storage facilities.	C
Public parks, recreation areas, and publicly owned and operated properties	C
Uses similar to those listed above in nature and intent, as deemed by the Planning Commission	C

**Key:**

- P= Permitted  
S= Permitted with special standards or limitations  
C= Conditional use permit required  
N= Not permitted

~~2.7.130 Development Standards. All development within the forestry resource district must comply with the development standards listed in Table 2.7.130.~~

**Table 2.7.130—Development Standards**

Section 2 - Zoning Districts

<i><b>Standard</b></i>	<i><b>P</b></i>
<del>Lot size minimum (acres)</del>	<del>20 acres</del>
<del>Lot depth minimum (feet)</del>	<del>None</del>
<del>Lot frontage minimum (feet)</del>	<del>None</del>
<del>Lot Coverage maximum (percent)</del>	<del>None</del>
<del>Yard Setback minimums (feet)</del>	
<del>— front setback</del>	<del>30 feet</del>
<del>— side setbacks</del>	<del>25 feet</del>
<del>— rear setbacks</del>	<del>25 feet</del>
<del>Building Height maximum (feet)</del>	<del>50 feet, except increased height allowed subject to Conditional Use Permit</del>

## Chapter 3

### DESIGN STANDARDS

#### Sections:

#### **3.1 Design Standards Administration**

- 3.1.100 Applicability
- 3.1.110 Types of Design Standards

#### **3.2 Access and Circulation**

- 3.2.100 Purpose
- 3.2.110 Vehicular Access and Circulation
- 3.2.120 Pedestrian Access and Circulation

#### **3.3 Landscaping, Street Trees, Fences and Walls**

- 3.3.100 Purpose
- 3.3.110 Parking Area Landscaping
- 3.3.120 Landscape Credit/Preservation
- 3.3.130 Street Trees
- 3.3.140 Fences and Walls
- 3.3.150 Fences and Walls in the Industrial Zones

#### **3.4 Vehicle and Bicycle Parking**

- 3.4.100 Purpose
- 3.4.110 Applicability
- 3.4.120 Automobile Parking Standards
- 3.4.130 Bicycle Parking Standards

#### **3.5 Infrastructure Standards**

- 3.5.100 Purpose and Applicability
- 3.5.110 Transportation Standards
- 3.5.120 Public Use Areas
- 3.5.130 Sanitary Sewer and Water Service Improvements
- 3.5.140 Storm Drainage Improvements
- 3.5.150 Utilities
- 3.5.160 Easements
- 3.5.170 Construction Plan Approval and Assurances
- 3.5.180 Installation

#### **3.6 Reserved**

#### **3.7 Signs**

#### **3.8 Wetlands and Floodplains [reserved]**

## Section 3.2

### ACCESS AND CIRCULATION

**K. Shared Driveways.** The number of driveways intersecting a public street shall be minimized by the use of shared driveways on adjoining lots where feasible. The city may require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements and joint maintenance agreements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including any pathways and landscaping along such driveways, at the time of final plat approval (section 4.4) or as a condition of site development approval (section 4.3).

3. Access easements may serve no more than three (3) dwelling units, including accessory dwellings and dwellings on individual lots, or more than three (3) units of land whichever is greater. A drive serving more than one lot shall conform to the standards in subsections 1-4 below:

- a. Driveway and Lane Width and Lot Frontage. The minimum width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;
- b. Easement. Where more than one (1) lot is to receive access from a driveway, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;
- c. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city; and

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**M. Driveway Openings.** Driveway openings shall be the minimum width necessary to provide the required number of vehicle travel lanes (ten (10) feet for each travel lane). The following standards (i.e., as measured



### Section 3 – Design Standards

where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

4. Access widths for all other uses shall be based on ten (10) feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in ~~chapter~~ Section 3.4.

**R. Construction.** The following standards shall apply to all driveways and private streets:

- ~~2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.~~

#### 3.2.120 Pedestrian Access and Circulation.

**B. Design and Construction.** Pathways shall conform to all of the standards in subsections 1-5 below:

2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of ~~chapter section~~ 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

### Section 3.3

#### PARKING AREA SCREENING, LANDSCAPING, STREET TREES, FENCES AND WALLS

**3.3.140 Fences and Walls.** The following standards shall apply to all fences and walls except for fences in industrially designated lands:

**B. Dimensions.**

1. The maximum allowable height of fences and walls is six (6) feet as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six (6) feet in height, in conformance with the uniform building code.
2. The height of fences and walls along or within a front yard setback shall not exceed four (4) feet (except decorative arbors, gates), as measured from the grade closest to the street right-of-way.
3. Fences and walls shall comply with the vision clearance standards of section 3.2.110. ~~OP~~.

**3.3.150 Fences and Walls in the Industrial Zones.** The following standards shall apply to all fences and walls

**B. Dimensions.**

1. The maximum allowable height of fences eight (8) feet as measured from the lowest grade at the base fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six (6) feet in height, in conformance with the uniform building code.
2. Fences and walls shall comply with the vision clearance standards of section 3.2.110. ~~OP~~.

**Section 3.4**

**VEHICLE AND BICYCLE PARKING**

**3.4.120 Vehicle Parking Standards.**

- A. Minimum Off-Street Vehicle Parking.** The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.4.120.A, except that there is no minimum number of off-street parking spaces required in the downtown commercial (C-1) zone. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape. Credit is allowed for “on-street

### Section 3 – Design Standards

parking”, as provided below in 3.4.120 B. Exceptions and reductions to off-street parking are provided in 3.4.120.D.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option	
Use	Parking Standard
<b>Residential Uses</b>	
Single family detached housing.	2 parking spaces per detached single family dwelling or manufactured home on an individual lot.
<del>Two and three family housing</del> <u>Duplexes and Multifamily Dwellings with three (3) or four (4) dwellings</u>	1.5 spaces per dwelling unit.
Multi-family and single family attached housing. a. Studio units or 1-bedroom units less than 500 sq. ft b. 1-bedroom units 500 sq. ft. or larger c. 2-bedroom units d. 3-bedroom or greater units e. Retirement complexes for seniors 55-years or greater f. Visitor Parking	a. 1 space/unit. b. 1.50 spaces/unit. c. 1.75 spaces/unit. d. 2 spaces/unit e. 1 space per unit. f. 1 space for every 10 dwellings; no visitor parking requirement for projects with 1-9 dwellings where on-street parking is present.
Rooming and boarding houses, dormitories.	2 spaces for each 3 guest rooms, or one per three beds, whichever is more;
Senior housing.	Same as for retirement complexes
Manufactured home parks.	Same as for single family detached housing.
Accessory dwelling.	1 space per unit
<u>Bed and Breakfast</u>	<u>2 spaces plus one space for each bedroom offered as lodging</u>
<b>Commercial Uses</b>	
Auto, boat or trailer sales, retail nurseries and similar bulk retail uses.	1 space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.
Business, general retail, personal services.	General - 1 space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.
<u>Vehicle Servicing or Vehicle Repair</u>	<u>2 spaces per service stall</u>
Chapels and mortuaries.	1 space per 4 fixed seats in the main chapel <u>or one space per 300 sq ft of floor area, whichever is greater.</u>

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Hotels and motels.	1 space for each guest room, plus 1 space for the manager <u>or one space per 300 sq ft floor area, whichever is greater.</u>
Offices.	Medical and Dental Offices - 1 space per 350 square feet of gross floor area;
General Offices.	1 space per 450 square feet of gross floor area.
Restaurants, bars, ice cream parlors and similar uses.	1 space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.
Theaters, auditoriums, stadiums, gymnasiums, similar uses.	1 space per 4 seats.
<u>Bowling Alley, Dance Hall, Skating Rink</u>	<u>3 spaces per lane or 1 space per 100 square feet of floor area, whichever is greater.</u>
<b>Industrial Uses</b>	
Industrial uses, except warehousing.	1 space per 2 employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus 1 space per company vehicle
Warehousing.	1 space per 1,000 square feet of gross floor area or for each 2 employees, whichever is greater, plus 1 space per company vehicle.
<u>Mini-warehouse and storage</u>	<u>Two spaces, plus adequate space for loading and unloading.</u>
Public utilities (gas, water, telephone, etc.), not including business offices.	1 space per 2 employees on the largest shift, plus 1 space per company vehicle; a minimum of two spaces is required.
<b>Public and Institutional Uses</b>	
Child care centers having 13 or more children.	1 space per 2 employees; a minimum of 2 spaces is required.
Churches and similar places of worship.	1 space per every 100 square feet of combined sanctuary and school space (includes accessory uses).
Golf courses, except miniature.	8 spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -4 spaces per hole.
Hospitals.	2 spaces per patient bed.
Nursing and convalescent homes.	1 space per 3 patient beds.
Rest homes, homes for the aged, or assisted living.	1 space per 2 patient beds or 1 space per apartment unit.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Schools, elementary and junior high.	1 ½ space per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.
High schools.	1 ½ spaces per classroom, plus 1 space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.
Colleges, universities and trade schools	1 ½ spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing.
<b><i>Unspecified Uses and Parking Demand Study Option</i></b>	
Where a use is not specifically listed in this table, or an alternative parking standard is proposed, parking requirements shall be determined based on a parking demand study and/or by finding that a use is similar to one or more use(s) listed in terms of parking needs.	Similar Use Ruling/City Planner Code Interpretation

- D. Exceptions and Reductions to Off-street Parking.** Applicants may reduce vehicle parking minimum requirements below the minimum off-street parking standards required in Table 3.4.120.A as provided below:

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**3.4.130 Bicycle Parking Requirements.** All uses that are subject to site plan review shall provide bicycle parking, in conformance with the following standards, which are evaluated during site plan review:

- A. Number of Bicycle Parking Spaces.** A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than ten (10) vehicle parking spaces. The following additional standards apply specific types of development:

- Multi-Family Residences.** Every residential use of ~~four (4)~~ five (5) or more dwelling units provides at least one (1) sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

## Section 3.5

### INFRASTRUCTURE STANDARDS

#### 3.5.110 Transportation Standards.

- D. Creation of Access Easements.** Access easements are only allowed with a private street or drive meeting city standards for one single family unit. Access easements are discouraged in all residential districts, unless they are an integral part of a PUD, or required by the city for access management reasons (i.e., shared driveways along arterial streets). The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with section 3.2.110 (K), Access and Circulation. ~~Aceess easements shall be created and maintained in accordance with the uniform fire code, section 10.207, and shall be shown and described on any final subdivision or partition plat that requires them.~~
- F. Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be the widths in Table 3.5.110. A variance shall be required in conformance with section 5.2.120 to vary the standards in Table 3.5.110. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
1. Street classification in the comprehensive plan/transportation system plan;
  2. Anticipated traffic generation;
  3. On-street parking needs;
  4. Sidewalk and bikeway requirements based on anticipated level of use;
  5. Requirements for placement of utilities;
  6. Street lighting;
  7. Minimize drainage, slope, and wetland impacts;
  8. Street tree location, as provided for in section 3.3;
  9. Protection of significant vegetation, as provided for in section 3.3;
  10. Safety and comfort for motorists, bicyclists, and pedestrians;
  11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
  12. Access needs for emergency vehicles; and
  13. Transition between different street widths (i.e., existing streets and new streets), as applicable.

### Section 3 – Design Standards

Table 3.5.110F – Street and Pathway Design Standards

TYPE OF STREET	AVE. DAILY TRIPS (ADT)	RIGHT OF WAY WIDTH	CURB-TO- CURB PAVE- MENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PLANT- ING STRIP on both sides	SIDE- WALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANE on both sides	ON- STREET PARK- ING			
<u>MAJOR ARTERIAL</u>		<u>80' – 100'</u>	<u>52' -</u>	<u>12'</u>	<u>14'</u>	<u>7'</u>	<u>N/A</u>	<u>6"</u>	<u>8'</u>	<u>7'</u>
<u>MINOR ARTERIAL</u>		<u>60' – 72'</u>	<u>42' -</u>	<u>12'</u>	<u>12'</u>	<u>6'</u>	<u>N/A</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>MINOR ARTERIAL - DOWNTOWN</u>		<u>80'</u>	<u>48'</u>	<u>11'</u>	<u>12'</u>	<u>N/A</u>	<u>7'</u>	<u>6"</u>	<u>N/A</u>	<u>15'</u>
<u>MAJOR COLLECTOR</u>		<u>48' - 60'</u>	<u>36'</u>	<u>12'</u>	<u>N/A</u>	<u>6'</u>	<u>N/A</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>MAJOR COLLECTOR – BUFFERED BIKE LANES</u>		<u>52' – 64'</u>	<u>40'</u>	<u>12'</u>	<u>N/A</u>	<u>6'</u>	<u>N/A</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>MAJOR COLLECTOR – STANDARD</u>		<u>48' – 60'</u>	<u>36'</u>	<u>12'</u>	<u>N/A</u>	<u>6'</u>	<u>N/A</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>MINOR COLLECTOR – STANDARD</u>		<u>52' – 64'</u>	<u>36'</u>	<u>11'</u>	<u>N/A</u>	<u>7'</u>	<u>N/A</u>	<u>6"</u>	<u>7'</u>	<u>6'</u>
<u>MINOR COLLECTOR – PARKING ON BOTH SIDES</u>		<u>52' – 64'</u>	<u>40'</u>	<u>12'</u>	<u>N/A</u>	<u>N/A</u>	<u>8'</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>LOCAL – NO PARKING</u>		<u>34' – 50'</u>	<u>22'</u>	<u>11'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>6"</u>	<u>N/A</u>	<u>6'</u>
<u>MULTI-USE PATH</u>		<u>10'</u>								
<u>ARTERIAL AVENUE/STREET</u>										
2-Lane Parking Both Sides	8,000 to 30,000 ADT	60'-84'	38'-52'	11'-12'	none	2-at-6'	8'-bays	6"	7'-8'-1	6'-8'-2
3-Lane		72'-96'	34'-48'	11'-12'	12'	2-at-6'	8'-bays	6"	7'-8'-1	6'-8'-2
5-Lane		94'-120'	56'-72'	11'-12'	12'	2-at-6'	8'-bays	6"	7'-8'-1	6'-8'-2
Parkway		80'	34'-44'	11'	12'	2-at-5' each	N/A	6"-4	8'-1	8'-2

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### Section 3 – Design Standards

Table 3.5.110F – Street and Pathway Design Standards

TYPE OF STREET	AVE. DAILY TRIPS (ADT)	RIGHT OF WAY WIDTH	CURB-TO-CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PLANTING STRIP on both sides	SIDEWALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANE on both sides	ON-STREET PARKING			
<b>COLLECTOR STREETS</b> <b>Residential:</b>	<b>1,500 to 5,000 ADT</b>									
Parking Both Sides		58'-62'	32'-34'	10'	N/A		7'-lanes	6"	7'-8'	5'-6'
<b>Commercial:</b>										
3-Lane Parking Both Sides		74'-82'	40'-42'	10'-11'	12'	N/A-3	8'-lane	6"	7'-8'-1	6'-8'-2
Commercial/Industrial Parking Both Sides		62'-70'	36'-38'	10'-11'	12'	N/A-3	8'-lanes	6"	7'-8'-1	6'-8'-2
Commercial/Industrial Parking One Side		64'-72'	28'-40'	10'-11'	N/A	2-at-5' each	8'-lanes	6"	7'-8'-1	6'-8'-2
Commercial/Mixed-Use Collector Parking Both Sides		56'-58'	38'-40'	10'-11'	N/A	N/A-3	8'-lanes	6"	7'-8'-1	6'-8'-2
<b>LOCAL RESIDENTIAL STREETS [4]</b>	<b>Less than 1,500 ADT</b>									
Parking One Side		48'-56'	25'-27'	10'	N/A	N/A-3	one-7'	6"	7'-8'	5'-6'
Parking Both Sides		52'-60'	32'-34'	10'	N/A	N/A-3	two-7' lanes	6"	7'-8'	5'-6'
FLAG LOT ACCESS		25'	20'	N/A	N/A	N/A	none	none	none	None
ALLEYS	NA	16'-20'	12'-16' paved width, 2' strip on both sides	NA	NA	NA	none	none	none	None
<b>ACCESSWAYS &amp; MULTI-USE PATHS</b>	<b>NA</b>	<b>10'-18'</b>	<b>6'-12' paved width, 2'-4' strips on both sides</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>None</b>

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<sup>1</sup> Hardscape planting strip with tree wells shall be used in commercial and mixed-use development areas (where on-street parking is provided;

<sup>2</sup> 6' sidewalk shall be installed in residential areas, 8'-10' sidewalk shall be installed in commercial areas;

<sup>3</sup> Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets;

<sup>4</sup> Option for residential street and/or Parkway with sidewalks or pathways separated from roadway by drainage swale (no curb). Sidewalk installation may not be required on some existing local streets without sidewalks when existing and future traffic volumes are low; e.g., less than 500 ADT, or 10 dwellings and no sidewalk connection can be made.

<sup>5</sup> See 3.2.110 (Q)

Table 3.5.110F provides a summary of key street characteristics, design criteria, and applications.



### Section 3 – Design Standards

Figure -1. Major Arterial

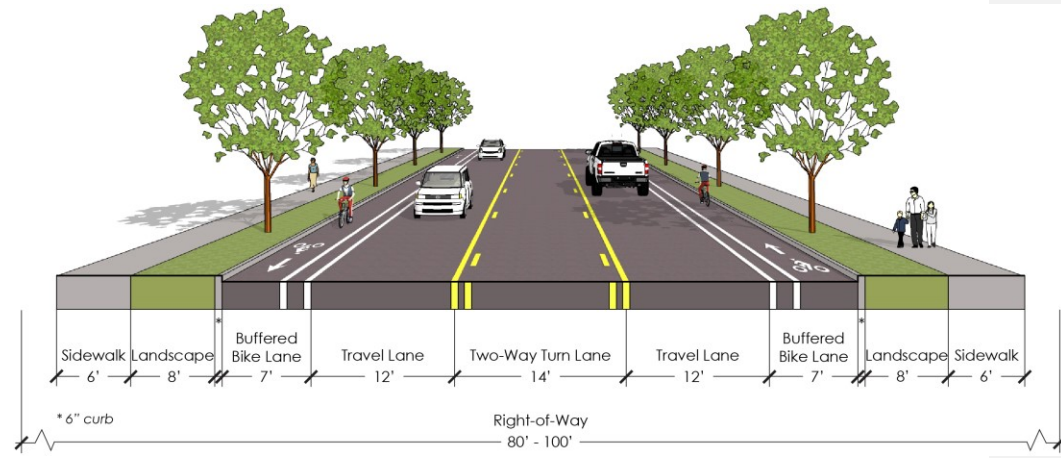
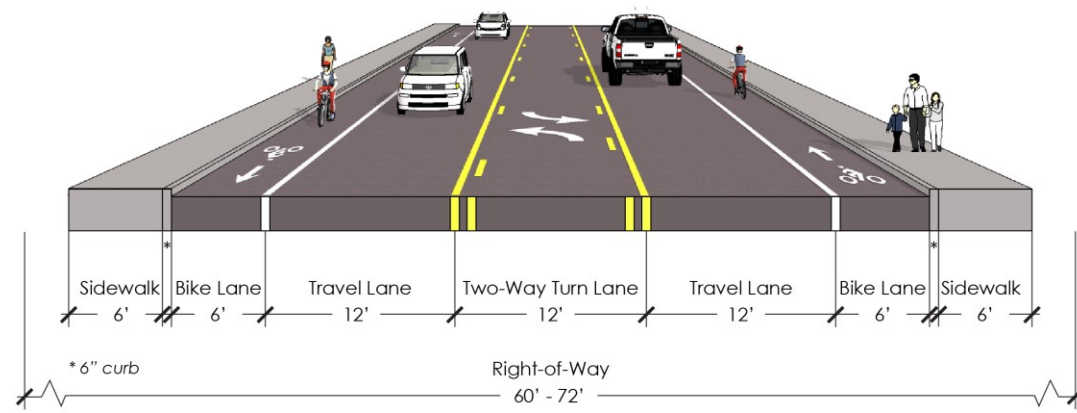


Figure -2. Minor Arterial



## Section 3 – Design Standards

Figure -3. Minor Arterial - Downtown

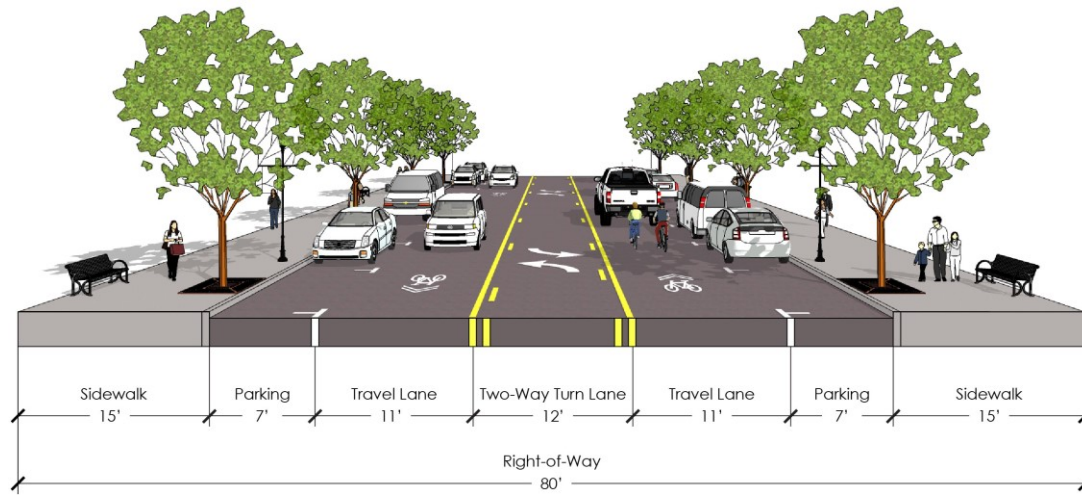


Figure -4. Major Collector

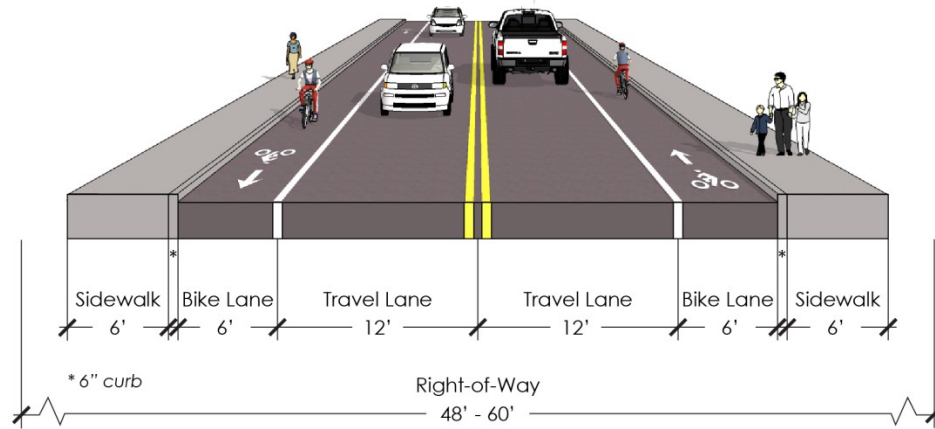


Figure -5. Major Collector – Buffered Bike Lanes

### Section 3 – Design Standards

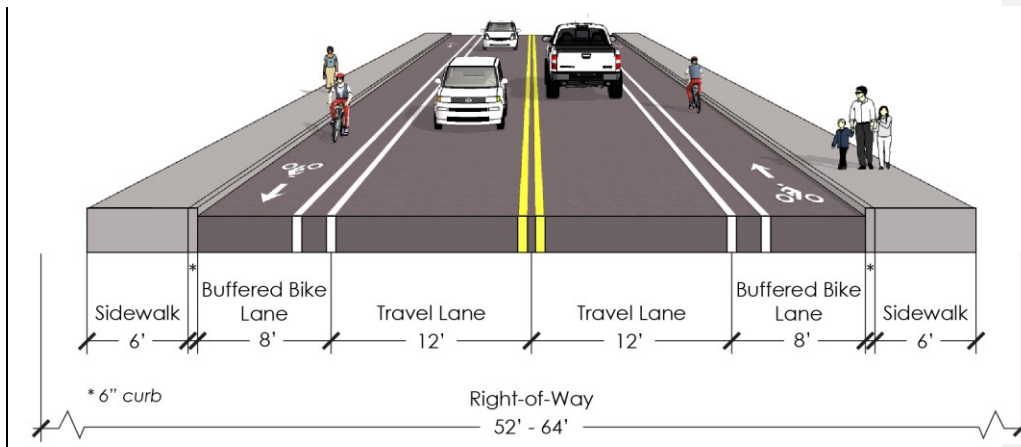


Figure -6. Major Collector - Standard

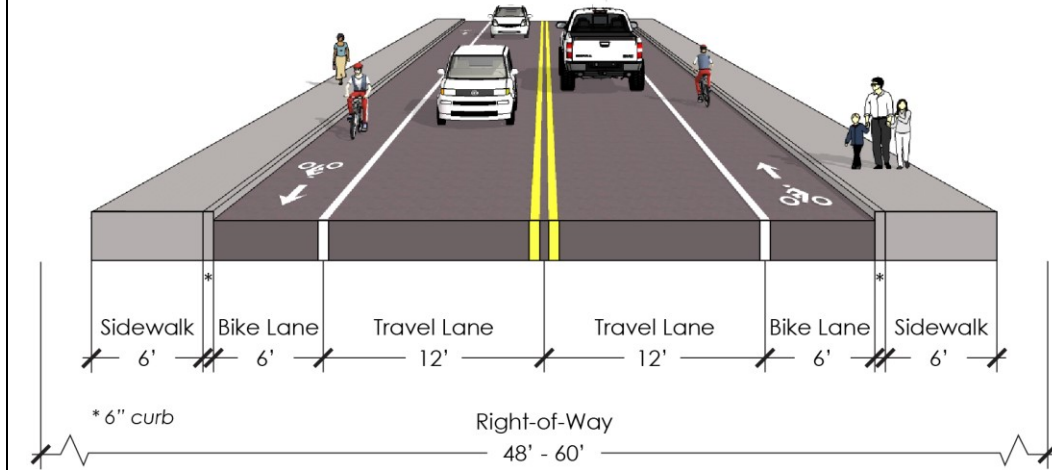


Figure -7. Minor Collector - Standard

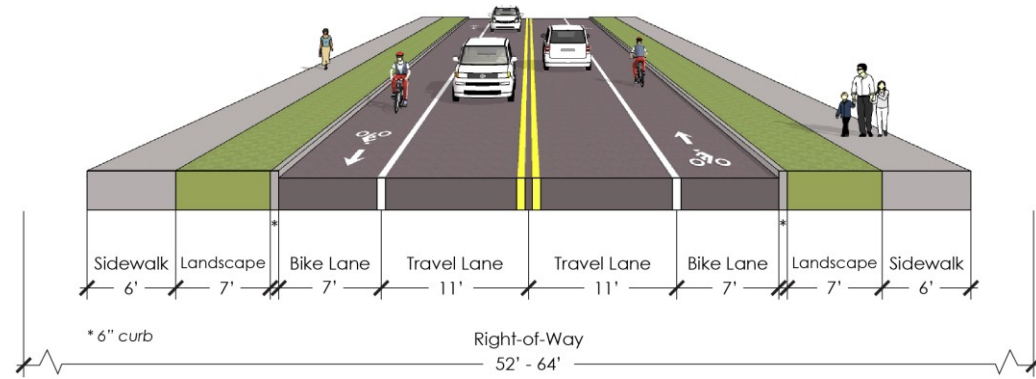
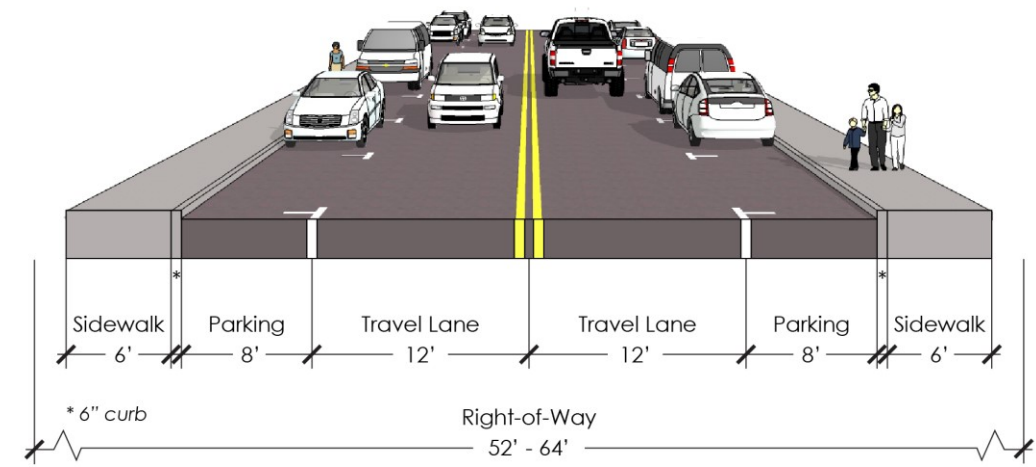


Figure -8. Minor Collector – Parking Both Sides



## Section 3 – Design Standards

Figure -9. Parkway

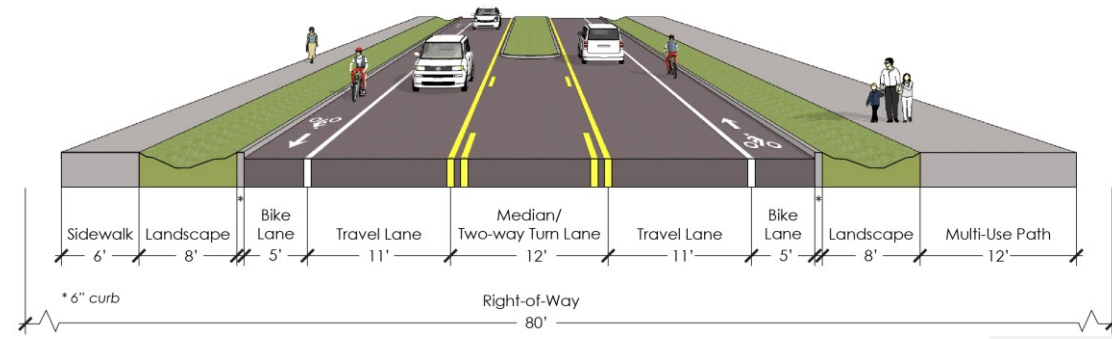


Figure -10. Local Residential Street

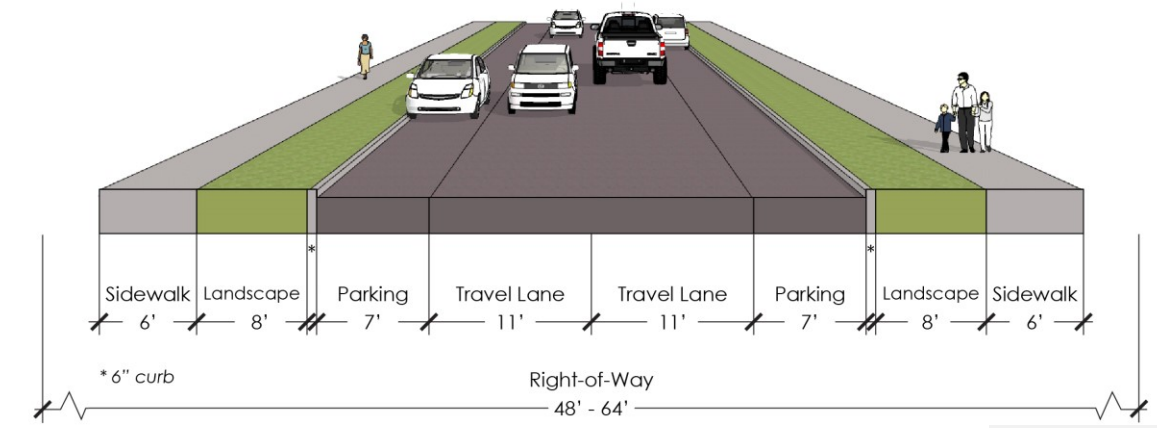


Figure -11. Local Residential Street – No Parking

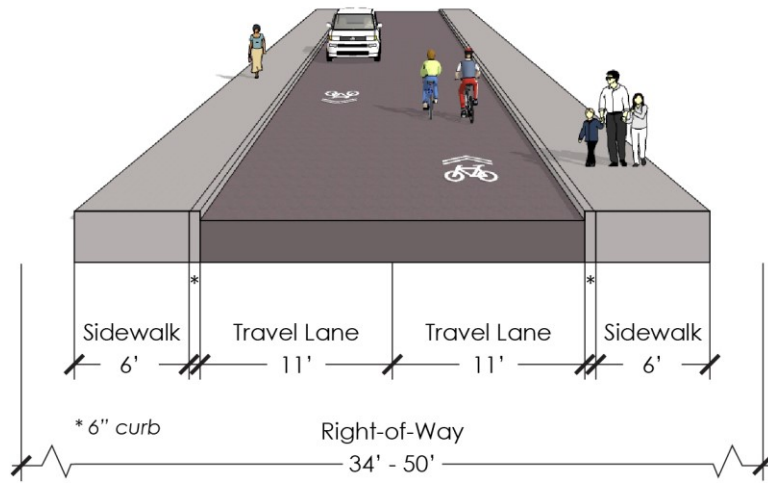
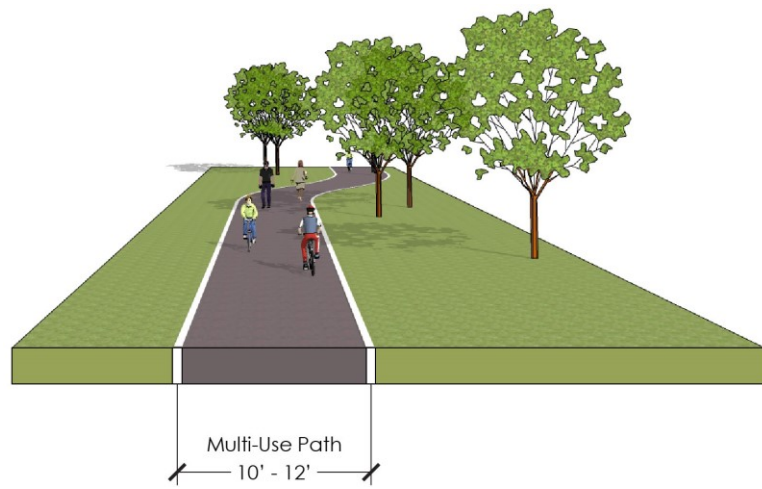


Figure – 12 – Multi-Use Path



**3.5.120 Public Use Areas.**

- C. System Development Charge Credit.** Dedication of land to the city for public use areas shall be eligible as a credit toward any required system development charge for transportation, parks, water, sewer, or storm water, as applicable.

**3.5.130 Sanitary Sewer and Water Service Improvements.**

- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the city engineer of record has approved all sanitary sewer and water plans in conformance with city standards.

## Chapter 4

### DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES

#### Sections:

#### 4.1 Administration of Land Use and Development Permits

4.1.100 Introduction

#### 4.2 Types of Applications and Review Procedures

4.2.100 Purpose  
 4.2.110 Description of Permit Procedures  
 4.2.115 Exceptions to Tables 4.2.110  
 4.2.120 Type I Procedure  
 4.2.130 Type II Procedure.  
 4.2.140 Type III Procedure  
 4.2.150 Type IV Procedure  
 4.2.160 General Provisions  
 4.2.170 Special Procedures

#### 4.3 Development Review and Site Plan Review

4.3.100 Purpose  
 4.3.110 Applicability  
 4.3.120 Development Review Approval Criteria  
 4.3.130 Site Plan Review – General Requirements  
 4.3.140 Site Plan Review – Application Submission Requirement  
 4.3.150 Site Plan Review Approval Criteria  
 4.3.160 Bonding and Assurances  
 4.3.170 Development in Accordance With Permit Approval

#### 4.4 Subdivisions, Land Divisions, Partitions and Property Line Adjustments<sup>[KG1]</sup>

4.4.100 Purpose  
 4.4.110 General Provisions  
 4.4.120 Approval Procedures  
 4.4.130 Subdivision Tentative Plan Application Requirements  
 4.4.140 Approval Criteria – Tentative Plan  
 4.4.150 Variances Authorized  
 4.4.160 Subdivision Final Plat Submission Requirements and Approval Criteria  
 4.4.170 Public Improvements Approval  
 4.4.180 Performance Guarantee  
 4.4.190 Filing and Recording  
4.4.200 Partition Tentative Plan Application Requirements  
4.4.210 Approval Criteria – Tentative Plan  
4.4.220 Variances Authorized  
4.4.230 Partition Final Plat Submission Requirements and Approval Criteria  
4.4.240 Public Improvements Approval  
4.4.250 Performance Guarantee



#### 4.4.260 Filing and Recording

4.4.2070 Replatting and Vacation of Plats

4.4.2180 Property Line Adjustments

### **4.5 Conditional Use Permits**

4.5.100 Purpose

4.5.110 Approval Procedure

4.5.120 Application Requirements

4.5.130 Criteria, Standards and Conditions of Approval

4.5.140 Additional Development Standards for Conditional Uses

### **4.6 Planned Unit Developments**

4.6.100 Purpose

4.6.110 Applicability

4.6.120 Review and Approvals Process

4.6.130 Allowed Uses

4.6.140 Applicability of Zoning District Standards (Chapter 2)

4.6.150 Applicability of Design Standards (Chapter 3)

4.6.160 Concept Plan Application

4.6.170 Concept Plan Approval Criteria

4.6.180 Administrative Procedures

4.6.190 Detailed Development Plan Application Requirements

4.6.200 Detailed Development Plan Approval Criteria

4.6.210 Land Division, Development Review, Site Plan Review and Building Permit Approvals

### **4.7 Modifications to Approved Plans and Conditions of Approval**

4.7.100 Purpose

4.7.110 Applicability

4.7.120 Major Modifications

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### **4.8 Zoning District Map Amendments**

4.8.100 Purpose

4.8.110 Appeal Procedures

4.8.120 Quasi-Judicial Amendments

4.8.130 Conditions of Approval

4.8.140 Record of Amendments

4.8.150 Transportation Planning Rule Compliance

### **4.9 Code Interpretations**

4.9.100 Purpose

4.9.110 Code Interpretation Procedure

### **4.10 Miscellaneous Permits**

- 4.10.100 Temporary Use Permits
- 4.10.110 Temporary Manufactured Dwelling Medical Hardship Permits

**4.11 Amendments to the Sutherlin Development Code and Land Use Plans**

- 4.11.100 Purpose and Applicability
- 4.11.110 Approval procedures

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## Section 4.1

### ADMINISTRATION OF LAND USE AND DEVELOPMENT PERMITS

**4.1.100 Introduction.** Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.2.110 in section 4.2 for ~~a key to~~ determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

**4.1.110 Exclusions from Land Use Review.** The following activities are permitted outright in each zone, subject to the applicable provisions of the subject zone, and are excluded from the requirement of obtaining a land use permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with applicable standards, conditions, and other provisions of this code.

## Section 4.2

### TYPES OF APPLICATIONS AND REVIEW PROCEDURES

**4.2.110 Description of Permit Procedures.** All land use and development permit applications, except building permits, shall be considered by using the procedures contained in this chapter. There are four types of permit/decision-making procedures: Type I, II, III, and IV:

- A. Type I (Ministerial) Procedure.** Type I decisions are made by the ~~planning director~~Community Development Director or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.
- B. Type II (Administrative) Procedure.** Type II decisions are made by the ~~planning director~~Community Development Director after public notice and an opportunity to submit written testimony. The appeal of a Type II decision is heard by the planning commission.
- ~~**D. Type IV (Quasi-judicial) Procedure.** Type IV decisions are considered initially by the planning commission with final decisions made by the city council. Both bodies provide public notice and a hearing.~~

**D. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

**Table 4.2.110 - Approvals by Type of Application and Decision-making Procedure**

<i>Development Decision</i>	<i>Procedure Type</i>	<i>Code Reference</i>
Access Permit (public street)	Type I	Sections 3.2, 4.3, 4.4

Annexation	Type IV	Section 4.11
Code Amendment	Type IV	Section 4.11
Code Interpretation	Type II	Section 4.9
Comprehensive Plan Amendments and Urban Growth Boundary Amendments	Type IV	Section 4.11
Conditional Use Permit	Type II	Section 4.5
Development Review	Type I	Section 4.3, Building Code
Flood Plain Development Permit	Type I	Building Code
Home Occupation Permit	Type I	Section 4.10
Lot Line Adjustment	Type I	Section 4.4
Modification to Approval	Type II	Section 4.7
Non-Conforming Use or Development Determination	Type I	Section 5.3
<u>Non-Conforming Alteration</u>	<u>Type II</u>	<u>Section 5.3</u>
Partition		
Tentative Plan	Type II	Section 4.4
Final Plat	Type I	Section 4.4.120
Extension	Type I	Section 4.4.120
Plan Amendment	Type IV	Section 4.11
Planned Unit Development	Type III	Section 4.6
Sign Permit	Type I	Section 3.7
Site Plan Review	Type II	Section 4.3
Subdivision		
Tentative Plan	Type II	Section 4.4
Final Plat	Type I	Section 4.4.120
Extension	Type I	Section 4.4.120
Extension	Type I	Section 4.4.120
Temporary Use Permit	Type II	Section 4.10
Variances		
Class A	Type I	Section 5.2
Class B	Type II	Section 5.2
Class C	Type III	Section 5.2
Zoning District Map Change	Type III	Section 4.8

**4.2.115 Exceptions to Table 4.2.110.** Instead of the procedure type identified in Table 4.2.110, the ~~planning director~~Community Development Director may use a higher procedure type for an application where the ~~planning director~~Community Development Director determines that a greater amount of public process is needed in order to provide a consolidated review of applications for the same development proposal or in order to address legal requirements

applicable to the application.

#### 4.2.120 Type I Procedure.

- B. **Planning Director Decision.** The ~~planning director~~ Community Development Director shall issue a decision addressing all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the planning director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at city hall.
- C. **Final Decision and Effective Date.** ~~The planning director's~~ Community Development Director's decision shall be final and effective on the date it is mailed or otherwise provided in writing to the applicant, whichever occurs first. The decision is the final decision of the city.

#### 4.2.130 Type II Procedure.

- A. **Preapplication Conference.** A preapplication conference is required prior to submittal of a Type II application. Preapplication conference requirements and procedures are in section 4.2.160.
- C. **Notice of Application.**
  - 1. Before making a Type II decision, the ~~planning director~~ Community Development Director shall mail notice to:
    - a. The applicant and/or titleholder; and
    - b. All owners of record of real property within one hundred (100) feet of the subject site.
    - c. Any affected governmental agency; public school district, public utility (e.g. state or county agencies such ODOT or public utility companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision.
- D. **Planning Director Decision.** The ~~planning director~~ Community Development Director shall issue a written decision addressing all of the relevant approval criteria. Based upon the criteria, and the facts contained within the record, the ~~planning director~~ Community Development Director shall approve, approve with conditions, or deny the requested permit or action.
- E. **Notice of ~~Planning~~ Community Development Director Decision.**
  - 1. Within five (5) business days after the ~~planning director~~ Community Development Director signs the decision, a notice of decision shall be sent by mail to:
    - a. The applicant and/or titleholder;
    - ab. All owners of record of real property within one hundred (100) feet of the subject property;
    - b. ~~The applicant and/or titleholder;~~
    - c. Any affected governmental agency; public school district or public utility (e.g. state or county agencies such ODOT or public utility

companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision; and

ed. Any person who submitted comments for the ~~planning director's~~Community Development Director's consideration.

2. The Type II notice of decision shall contain:

e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision as provided in section **4.2.130 G.** and may not appeal directly to the State Land Use Board of Appeals; and

**F. Final Decision and Effective Date.** The ~~planning director's~~Community Development Director's decision is final for purposes of appeal when it is mailed by the city. It is effective on the day after the local appeal period expires with no valid appeal filed.

**G. Appeal of a Type II ~~Planning-Community Development~~ Director Decision.** The ~~planning director's~~Community Development Director's decision may be appealed to the planning commission as follows:

1. Who May Appeal. The following people have legal standing to appeal the planning director's decision:

- a. The applicant and/or titleholder;
- b. Any person who was mailed written notice of the ~~planning director's~~Community Development Director's decision;
- c. Any person who is adversely affected or aggrieved by the ~~planning director's~~Community Development Director's decision; or
- d. Any other person who participated in the proceeding by submitting written comments.

3. Appeal Procedures. The notice and hearing procedures for an appeal of the ~~planning director's~~Community Development Director's decision on a Type II application shall be those used by the city to make an initial decision on a Type III application as provided in sections **4.2.140.C. – G.**

#### **4.2.140 Type III Procedure.**

**A. Preapplication Conference.** A preapplication conference is required for all Type III applications. The requirements and procedures for a preapplication conference are described in Section **4.2.160.C.**

**C. Notice of Planning Commission Hearing.**

1. Notice. The city shall give notice of the planning commission in the following manner:

a. At least twenty (20) days, but not more than 40 days, before the hearing date, notice shall be mailed to:

- (4) ~~Any governmental agency or public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, water, or wastewater) whose property, services, or facilities may be affected by the decision; and~~

Any affected governmental agency; public school district or public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision; and

**D. Planning Commission Standard of Review and Conduct of the Public Hearing.** The planning commission shall determine whether the application is consistent with the applicable criteria or can be made consistent through the imposition of reasonable conditions. The planning commission shall accept new evidence with respect to all applicable criteria.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

a. The applicable approval criteria by Code chapter that apply to the application;

b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;

d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or

members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the



record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

- a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
- b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
- c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

- E. Planning Commission Decision.** The planning commission shall issue a final written decision containing findings and conclusions, which either approves, approves with specific conditions or denies the application. ~~The planning~~

~~commission's order shall be filed with the director within fourteen (14) business days after the close of the deliberation.~~

- F. **Notice of Planning Commission Decision.** Written notice of the planning commission decision shall be mailed to the applicant and to all participants of record within five (5) business days after the planning commission's written decision is signed. Failure of any person to receive mailed notice shall not invalidate the decision. The notice shall include an explanation of appeal procedures.

H. **Appeal of Type III Planning Commission Decision.**

2. Notice of Appeal.

- a. A notice of appeal shall be filed with the ~~planning director~~ Community Development Director by 5 p.m. of the 14<sup>th</sup> day after the date the notice of decision was mailed.

3. Appeal Procedures.

- a. Notice. At least twenty (20) days, but not more than 40 days, before the city council hearing date, the city shall mail notice of the appeal hearing to the following:
- (1) The applicant and/or titleholder;
  - (2) The appellant; and
  - (3) Persons who provided testimony during the planning commission proceedings.

- c. Standard of Review and Conduct of the Public Hearing. The city council shall determine whether the planning commission erred. The city council shall limit its review to those issues identified in the notice of appeal and accept argument and new evidence only with respect to the criteria and issues identified in the notice of appeal.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

a. The applicable approval criteria by Code chapter that apply to the application;

b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use

Board of Appeals on that issue;

d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing exparte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed; and

e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

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**d. Record of the Public Hearing.**

1. The official public hearing record shall include all of the following information:

- a. All materials considered by the hearings body;
- b. All materials submitted by the City Planning Official to the hearings body regarding the application;
- c. The minutes of the hearing;
- d. The final written decision; and
- e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.

2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

~~de.~~ City Council Decision. The city council shall issue a final written decision containing findings and conclusions addressing the issues on appeal and which either approves, approves with specific conditions or denies the application. ~~The city council's decision shall be filed with the director within fourteen (14) business days after the close of the deliberation.~~

~~ef.~~ Notice of City Council Decision. Written notice of the city council's decision shall be mailed to the applicant, the appellant and to all persons who participated in the city council proceedings within five (5) business days after the city council's written decision is signed. Failure of any person to receive mailed notice shall not invalidate the decision. The notice shall include an explanation of appeal procedures.

~~fg.~~ Final Decision and Effective Date. The city council's decision is both effective and final for purposes of appeal on the date the notice of decision is mailed by the city.

**h. Effective Date and Appeals to State Land Use Board of Appeals.**  
A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

#### 4.2.150 Type IV Procedure.

##### D. Notice of Planning Commission Hearing.

2. Notice. Except as provided in subsection D.4. of this section, the city shall give notice of the planning commission public hearing in the following manner:
  - a. At least twenty (20) days, but not more than 40 days, before the date of the planning commission's hearing, a notice shall be mailed to:
    - (1) The applicant and/or titleholder;
    - (2) Any affected governmental agency, public school, or public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, gas, water, ~~or~~ wastewater, etc.) whose property, services, or facilities may be affected by the decision;
  4. Notice for Site-Specific Type IV Applications. When a Type IV application proposes a site-specific, ~~quasi-judicial~~ legislative action, notice of the planning commission hearing shall be provided as set out in section 4.2.140.C.

##### E. Planning Commission Standard of Review and Conduct of the Public Hearing.

The planning commission shall determine whether the application is consistent with the applicable criteria or can be made consistent through the imposition of reasonable conditions. The planning commission shall accept new evidence with respect to all applicable criteria.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:
  - a. The applicable approval criteria by Code chapter that apply to the application;
  - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
  - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
  - d. At the conclusion of the initial evidentiary hearing, the hearing

body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing exparte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of



facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
  - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
  - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.
7. The Notice of Quasi-Judicial Decision shall contain all of the following

information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**F. Planning Commission Recommendation.** The planning commission shall issue a final written recommendation containing findings and conclusions and recommending that the city council either approve, approve with specific conditions or deny the application. ~~The planning commission's recommendation shall be filed with the planning director within fourteen (14) business days after the close of the deliberation.~~

**G. Notice of City Council Hearing.**

1. Notice. At least twenty (20) days, but not more than 40 days, before the city council hearing date, the city shall mail notice of the hearing to the following:
  - a. The applicant and/or titleholder;
  - b. Persons who provided testimony during the planning commission proceedings; and
  - c. Persons who requested notice of the planning commission recommendation.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

- a. The applicable approval criteria by Code chapter that apply to the

application;

- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
  - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
  - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
  - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.
3. Presenting and receiving evidence.
- a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
  - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
  - c. Members of the hearing body may visit the property and the surrounding area, and

may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
  - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
  - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**4.2.160 General Provisions.**

~~**A. Time Computation.** In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the close of city business hours on the next day which is not a Saturday or legal holiday.~~

A. Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify

each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

**BD. Pre-application Conferences.**

1. Participants. When a preapplication conference is required, the applicant shall meet with the planning director or his/her designee(s).
2. Information Provided. At such conference, the ~~planning director~~ Community Development Director shall:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance which will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application.
3. Disclaimer. Failure of the ~~planning director~~ Community Development Director or his/her designee to provide any of the information required by this subsection shall not constitute a waiver of any of the standards, criteria or requirements for the application.

**CE. Applications.**

- b. Completeness.
  - (1) Review and Notification. After the application is accepted, the ~~planning director~~ Community Development Director shall review the application for completeness. If the application is complete as submitted, the ~~planning director~~ Community Development Director shall mail the applicant a notice deeming the application complete. If the application is incomplete, the planning director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application
  - (2) When Application Deemed Complete for Review. The application shall be deemed complete upon the receipt by the ~~planning director~~ Community Development Director of:
    - (a) All of the missing information;
    - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
    - (c) Written notice from the applicant that none of the missing information will be provided.

**DE. Scrivener's Errors.**

**4.2.170 Special Procedures.**

**B. Fast Track Permitting Process.** A one-hundred day maximum review period from the date at which the application is deemed complete applies for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Douglas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

**Section 4.3****DEVELOPMENT REVIEW AND SITE PLAN REVIEW**

**4.3.120 Development Review Approval Criteria.** Applications for development review shall be conducted as a Type I procedure, as described in section 4.2.120. Prior to issuance of building permits, the following standards shall be met:

- A.** The proposed land use is permitted by the underlying zoning district (chapter 2);
- B.** The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying zoning district and any overlay zone are met (chapter 2);
- C.** All applicable building and fire code standards are met; and
- D.** Approval shall lapse, and a new application shall be required, if a building permit has not been issued within one (1) year of development review approval.
- E.** Traffic impacts from the proposed development are consistent with the traffic impacts for the subject parcel prescribed in Table 9 of the Interchange Area Management Plan or the development will mitigate for the increased traffic beyond that described in Table 9 of the IAMP. Those zone changes within the Interchange 136 IAMP area that deferred compliance with OAR 660-012-0060 must demonstrate consistency with OAR 660-012-0060.

**4.3.130 Site Plan Review – General Requirements.** Site plan review is required for projects that exceed the thresholds for development review, as provided in section 4.3.110. Site plan reviews are processed using Type II procedures, as provided in section 4.2, and using the approval criteria contained in section 4.3.150.

**4.3.140 Site Plan Review - Application Submission Requirements.** All of the following information is required for site plan review application submittal:

- A. General Submission Requirements.** The applicant shall submit an application containing all of the general information required by section 4.2.130 B and 4.3.140 B.

- B. Site Plan Review Application Requirements.** An application for site plan review shall include the following information, unless specifically waived by the planning director:

8. Letter or narrative report documenting compliance with the applicable approval criteria contained in section 4.3.150.

**4.3.170 Development in Accordance With Permit Approval.** Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site plan review approval) and building permits. Construction of public improvements shall not commence until the city has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with section 4.3.160. Development review and site plan review approvals shall be subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments.** Modifications to approved plans and/or conditions of approval shall be processed under section 4.7.120, Major Modifications, and 4.7.130, Minor Modifications, as applicable.

## Section 4.4

### LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

- B. Review of Final Plat.** Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under section 4.2.120, using the approval criteria in section 4.4.160.

**4.4.130 ~~Subdivision - Tentative Plan Application Requirements~~ —~~Partition and Subdivision~~.** The applicant shall submit an application containing drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

**A. General Information:**

1. Name of subdivision (~~not required for partitions~~). This name must not duplicate the name of another subdivision in the county in which it is located (please check with county surveyor);
2. Date, north arrow, and scale of drawing;
3. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
4. Names, addresses and telephone numbers of the owners, project designer, engineer(s), and or surveyor, and the date of the survey; and
5. Identification of the drawing as a “tentative plan.”

**4.4.140 Approval Criteria - Tentative Plan.** The city shall approve, approve with conditions or deny a tentative plan based on the following approval criteria:

- E. Block and lot standards.** All proposed blocks (i.e., one (1) or more lots bound by



public streets), lots and parcels conform to the specific requirements below:

4. The<sup>[KG2]</sup> applicant may be required to install landscaping, walls, fences, or other screening as a condition of subdivision approval. See also, chapter 2 Zoning Districts, and section 3.3, Landscaping, Street Trees, Fences and Walls.
  5. In conformance with the ~~uniform-International~~ fire code and Oregon Fire Code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See also, section 3.2 Access and Circulation.
- F. Minimize Flood Damage.** All subdivisions ~~and-partitions~~ shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a one hundred (100) year flood plain shall comply with federal emergency management agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.
- I. Need for Adequate Drainage.** All subdivision ~~and-partition~~ proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.
- L. Lot Size Averaging.** The city may allow residential lots ~~or-parcels~~ less than the minimum lot size under the applicable zoning district for projects that provide common open space or active recreation land and facilities. Such open space shall provide public access easements containing paved trails. The lot ~~or-parcel~~ sizes shall meet the following:
1. The average area for all residential lots ~~or-parcels~~ shall not be less than that allowed by the underlying zone; and
  2. No lot ~~or-parcel~~ created under this provision shall be less than eighty (80) percent of the minimum lot size allowed in the underlying zone.  
For example, if the minimum lot size is seven thousand five hundred (7,500) square feet, the following three (3) parcels could be created as part of a single partition application: six thousand (6,000) square feet, seven thousand five hundred (7,500) square feet, and nine thousand (9,000) square feet.
- M. Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in section 4.10.100, Temporary Uses.
- N. Conditions of Approval.** The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require landscape screening between uses, or access reserve strips granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also, section 3.5.100.D (Infrastructure).<sup>[KG3]</sup>

**4.4.150 Variances Authorized.** Adjustments to the standards of this section shall be processed in accordance with section 5.2 Variances. Applications for variances shall be

submitted at the same time as an application for a land division or property line adjustment subdivision, is submitted.

#### 4.4.160 Final Plat Submission Requirements and Approval Criteria.

**B. Approval Criteria.** By means of a Type I procedure, the ~~planning director~~ Community Development Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

2. All public improvements required by the tentative plan have been installed and approved by the ~~planning director~~ Community Development Director. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;
5. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.
56. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and sewage disposal, storm drainage, and water supply systems;
67. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;
78. Water and sanitary sewer service is available to each and every lot, is provided; or bond, contract or other assurance has been provided by the subdivider to the city that such services will be installed in accordance with section 3.5, Infrastructure Standards, and the bond requirements of section 4.4.180. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the city; and
89. The plat contains an affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

**4.4.170 Public Improvements Approval.** Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved, or the subdivider shall provide a performance guarantee, in accordance with section 4.4.180.

**4.4.200 Partition - Tentative Plan Application Requirements.** The applicant shall submit an application containing drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

**A. General Information:**

1. Date, north arrow, and scale of drawing;
2. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
3. Names, addresses and telephone numbers of the owners, project designer, engineer(s), and or surveyor, and the date of the survey; and
4. Identification of the drawing as a “tentative plan.”

**B. Site Analysis:**

1. Streets: Location, name, present width of all existing streets, alleys and rights-of-way on and abutting the site;
2. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
3. Utilities: Location and identity of all existing utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
4. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten (10) percent and at two (2) foot intervals for ground slopes of less than ten (10) percent. Such ground elevations shall be related to some established bench mark or other datum approved by the county surveyor;
5. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
6. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
7. Wetland and floodplain, including wetland areas, streams, wildlife habitat, and other areas identified by the city or natural resource regulatory agencies as requiring protection;
8. Site features, including existing structures, pavement, areas having unique views, drainage ways, and ditches;
9. Designated historic and cultural resources on the site and adjacent parcels or lots; and
10. The location, size and species of existing trees having a caliper (diameter) of twelve (12) inches or greater at four (4) feet above grade.

**C. Proposed improvements:**

1. Location, width and purpose of all proposed easements and dedications;
3. Parcel dimensions, area calculation (e.g., in square feet), and identification numbers for all parcels;
4. Proposed improvements, as required by chapter 3, Design Standard;
6. The proposed source of domestic water;
7. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;

8. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
9. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
10. Proposed changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the tentative plan, as applicable;
11. Identification of the base flood elevation, if applicable to the site;
12. Grading plan, if site is larger than five (5) acres;
13. Evidence of contact with ODOT for any development requiring access to a highway under the state's jurisdiction; and
14. Evidence of contact with the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands.

**D. Future Re-division Plan.** When partitioning tracts into large parcels (i.e., greater than two times or two hundred (200) percent the minimum lot size allowed by the underlying zoning district), re-division plan showing:

1. Potential future parcel/lot division(s) addressing the housing and density standards of chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way; and
3. A disclaimer that the re-division plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

**4.4.210 Approval Criteria - Tentative Plan.** The city shall approve, approve with conditions or deny a tentative plan based on the following approval criteria as applicable:

- A.** The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to uniformly transition to such facilities in existing or approved partitions on adjoining property as to width, general direction and in all other respects.
- C.** Lot Size and Residential Density. The land partition meets the lot size and residential density standards required by the zoning district (chapter 2)
- D.** When dividing a tract into large parcels (i.e. greater than two times or 200 percent the minimum lot size allowed in the underlying zoning district, the parcels are of such size, shape and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this code.
- E.** Parcel standards. All proposed parcels (i.e., one (1) or more parcels bound by public streets), parcels conform to the specific requirements below:
  1. All parcels shall comply with the lot coverage, setback, and dimensional requirements of the applicable zoning district (chapter 2), and the

standards of section 3.2 Access and Circulation, and the flag lot standards of section 3.2.110 (Q), if applicable.

2. Setbacks shall be as required by the applicable zoning district (chapter 2).
3. Every parcel shall conform to the standards of section 3.2, Access and Circulation.
4. The applicant may be required to install landscaping, walls, fences, or other screening as a condition of subdivision approval. See also, chapter 2 Zoning Districts, and section 3.3, Landscaping, Street Trees, Fences and Walls.
5. In conformance with the international fire code and Oregon fire code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See also, section 3.2 Access and Circulation.
6. Where a common private drive is to be provided to serve more than one parcel, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition plat and the county clerk's reference number shown on the face of the plat.

**F. Minimize Flood Damage.** All partitions shall be designed based on the need to minimize the risk of flood damage. No new building parcels shall be created entirely within a floodway. All new parcels shall be buildable without requiring development within the floodway. Development in a one hundred (100) year flood plain shall comply with federal emergency management agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.

**G. Need for Adequate Utilities.** All parcels created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.

**H. Need for Adequate Drainage.** All partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.

**I. Conditions of Approval.** The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require landscape screening between uses, or access reserve strips granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also, section 3.5.100.D (Infrastructure).

**4.4.220 Variances Authorized.** Adjustments to the standards of this section shall be processed in accordance with section 5.2 Variances. Applications for variances shall be submitted at the same time an application for land division is submitted.

**4.4.230 Final Plat Submission Requirements and Approval Criteria.**

- A. Submission Requirements.** Final plats shall be reviewed and approved by the city prior to recording with Douglas County. The applicant shall submit the final plat within two (2) years of the approval of the tentative plan as provided by section 4.4.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city. The city will not accept as complete an application for final plat until the tentative plan has been approved.
- B. Approval Criteria.** By means of a Type I procedure, the Community Development Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria as applicable:
1. The final plat complies with the approved tentative plan, and all conditions of approval have been satisfied;
  2. All public improvements required by the tentative plan have been installed and approved by the Community Development Director. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;
  3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
  4. The streets and roads held for private use have been approved by the city as conforming to the tentative plan;
  5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and sewage disposal, storm drainage, and water supply systems;
  6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;
  7. Water and sanitary sewer service is available to each and every parcel, is provided; or bond, contract or other assurance has been provided by the subdivider to the city that such services will be installed in accordance with section 3.5, Infrastructure Standards, and the bond requirements of section 4.4.180. The amount of the bond, contract or other assurance by the partitioner shall be determined by a registered professional engineer, subject to review and approval by the city; and
  8. The plat contains an affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

**4.4.240 Public Improvements Approval.** Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved, or the partitioner shall provide a performance guarantee, in accordance with section 4.4.180 as applicable.

**4.4.250 Performance Guarantee.**

- A. Performance Guarantee Required.** When a performance guarantee is required under section 4.4.170, the partitioner shall file an assurance of performance with the city supported by one (1) of the following:
  - 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
  - 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or
  - 3. Cash.
  - 4. Cash deposit with an escrow company.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the city as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized Improvement Estimate.** The developer shall furnish to the city an itemized improvement estimate, certified by a registered civil engineer, to assist the city in calculating the amount of the performance assurance.
- D. Agreement.** At a minimum an agreement shall include all of the following:
  - 1. A specific period within which all required improvements and repairs shall be completed;
  - 2. A provision that, if work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the applicant; and
  - 3. The improvement fees and deposits that are required.
- E. Failure to Perform.** In the event the developer fails to carry out all provisions of the agreement and the city has un-reimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.
- F. Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the city.

**4.4.260 Filing and Recording.**

- A. Filing Plat with County.** Within sixty (60) days of the city approval of the final plat, the applicant shall submit the final plat to Douglas County for signatures of county officials as required by ORS Chapter 92.
- B. Proof of Recording.** Upon final recording with the county, the applicant shall submit to the city a mylar copy and two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for



the newly-created lots.

**C. Prerequisites to Recording the Plat.**

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
2. No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92.

**4.4.2300 Replatting and Vacation of Plats.**

- D. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with 4.4.190 and the following procedures:
- B. **Approval Procedures.** Property line adjustments shall be processed using the Type I procedure, as provided by section 4.2.120, using approval criteria contained in subsection C, below.
- C. **Approval Criteria.** The planning director shall approve or deny a request for a property line adjustment in writing based on findings that all of the following criteria are satisfied:
  2. Lot standards. All lots and parcels comply with the applicable lot standards of the zoning district (chapter 2) including lot area and dimensions and the flag lot standards of section 2.6.200, if applicable;

**Section 4.5**

**CONDITIONAL USE PERMITS**

**4.5.110 Approval Procedures.**

- A. **Initial Application.** Review of an application for a new conditional use shall be processed using the Type ~~HH~~ II procedure (section 4.2.140). The application shall meet the requirements of section 4.5.120, and the approval criteria contained in section 4.5.130.

**Section 4.6**

**PLANNED UNIT DEVELOPMENTS**

**4.6.130 Allowed Uses.**

- A. **In<sup>[KG4]</sup> the Residential Zoning Districts.** In the residential zones, the following uses are allowed outright when they are included in an approved planned unit development as outlined in the underlying zoning district (Section 2).;



1. ~~All uses allowed outright in the underlying zoning district (chapter 2);~~
2. ~~Single family detached and attached residential units;~~
3. ~~Duplex and triplex residential units;~~
4. ~~Multi family residential units;~~
5. ~~Manufactured homes;~~
6. ~~Commercial uses (not exceeding five thousand (5,000) square feet in a residential zone);~~
7. ~~Public and industrial uses;~~
8. ~~Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
9. ~~Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, trails, pathways, or similar use;~~
10. ~~Recreational vehicle storage area; and~~
11. ~~Conditional uses not otherwise permitted under subsections 1-10, above, shall require a conditional use permit.~~

- B. ~~In~~<sup>[KG5]</sup> **the Commercial Zoning Districts.** In the C-1 and C-3 districts, ~~all of the uses permitted outright in the district are allowed within a planned unit development~~ a planned unit development shall contain only those uses allowed outright in the underlying district (Section 2).
- C. **In the Light Industrial and Heavy Industrial Zoning Districts.** In M-1, ~~and~~ M-2 ~~and~~ MU districts, a planned unit development shall contain only those uses allowed outright in the underlying district (Section 2).

#### 4.6.140 Applicability of the Zoning District Standards.

- A. **Zoning District Standards.** Planned unit developments shall conform to the provisions of the underlying zoning district, as follows:
1. Land use and residential density standards of the zone shall not be modified through the planned unit development procedure; <sup>[KG6]</sup>

#### 4.6.170 Concept Plan Approval Criteria. The planning commission shall make findings addressing the following criteria when considering a concept plan:

- D. **Open Space Requirement.** Planned unit developments in residential districts shall contain at least ~~forty (40)~~ twenty-five (25) percent open space.<sup>[KG7]</sup> Where common open space is designated, the following standards apply:

#### 4.6.180 Administrative Procedures.

- B. **Extension.** The ~~planning director~~ Community Development Director shall, upon written request by the applicant and payment of the required fee; grant an extension of the approval period not to exceed one (1) year provided that:

#### 4.6.200 Detailed Development Plan Approval Criteria. The planning commission shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, so long as the proposed modification does not:

- B. Reduce the amount of open space or landscaping by more than ~~ten (10)~~ five (5) percent;

#### Section 4.7

### MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

#### 4.7.130 Minor Modifications.

- B. **Minor Modification Approval Procedures.** An application for approval of a minor modification is reviewed using Type I procedures. A minor modification shall be approved, approved with conditions, or denied by the ~~planning director~~ Community Development Director based on written findings on the following criteria:

#### Section 4.11

### AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE AND LAND USE PLANS

#### 4.11.110 Approval Procedures.

- B. **Application Requirements.** A ~~quasi-judicial legislative~~ proposal requesting to change the comprehensive plan map designation of a site under common ownership or to annex or bring into the urban growth boundary such a site may be initiated by the owner(s) of the subject site. Only the city can initiate the other amendments regulated by section 4.11. An owner-initiated application shall include the information required for a Type IV procedure under section 4.2.150.



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## City of Sutherlin

Date: January 12, 2021  
To: Planning Commission  
From: Community Development  
Re: Monthly Activity Report (November-To Current)

This report is provided in an effort to keep you apprised of recent land use and other relevant activities.

### **COMMUNITY DEVELOPMENT**

#### **Ford's Pond**

Majority of the construction has slowed down because of the weather. Forms for curb, gutter and sidewalks are being installed in the parking area, depending on weather when concrete will be poured. The construction schedule has been extended due to weather. We are anticipating being complete in Summer of 2021.

The improvements will consist of: new asphalt parking area with a total of 39 spaces including four ADA spaces, curbs, gutters, storm water drainage, utilities (water, low pressure sewer and electrical), a new trail from parking area to perimeter trail, perimeter trail 0.8 miles (length will depend on bid amount), interpretative areas, signage, landscaping and seating.

Below is a list of grants that have been submitted in 2020 for additional improvements at Ford's Pond.

- RTPG due June 15, 2020 - \$240,808; construction of 0.9 miles of the path.
- LGGP due April 8, 2020 - \$517,814; ADA Restrooms, sidewalks, two natural play areas and three shaded picnic pavilions.
- LWCF due April 13, 2020 - \$205,775; construction of 0.9 miles path.
- OSMB due June 30, 2020 - \$136,135; ADA compliant boat launch and paved parking.

#### **Central Plaza Park**

Construction is underway, concrete work has been completed, planter boxes are complete, top soil has been delivered, landscaping to follow. The project is scheduled to be complete Spring, 2021.

### **TRANSPORTATION**

#### **Sidewalk/ADA Ramps**

Design is complete. We will be going out to bid for construction in January 2021. Construction to be complete, Summer of 2021.

Project: Extend sidewalk from Wildwood Lane to existing sidewalk, west of Grove Lane. Approximately 665' in length and will include two ADA ramps in this location and one ADA ramp replacement at Central Park.

## **UTILITIES**

### **WWTP Improvement**

- Contractor is currently working on the punch list; substantial completion is estimated end of January 2021.

### **Schoon Mountain Storage Tank and Sixth Avenue & Oak Street Pump station improvements**

Both projects are 95% complete. We are currently working on the watertight tank test on the Schoon Tank. Once the tank passes the watertight tank test, substantial completion walkthrough/inspections of the tank and booster station (Sixth and Oak) a punch-list will be develop.

- Sixth and Oak Pump station is on-line-no operational issues reported
- Storage Tank is complete, but failed watertight tank test. Contractor is in the process of repairing leak.

### **Nonpareil Water Treatment Plant Improvement**

No changes, still on schedule.

The Contract was awarded on January 27, 2020 to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management.

### **Revised schedule**

- ~~Start design February 2020~~
- ~~60% design meeting September 2, 2020~~
- ~~90% design meeting October 7, 2020~~
- Present Final design to City Council January 11, 2021
- Bid process and contract award February/March 2021
- Council Consideration of Contract March/April 2021
- Construction NTP April/May 2021
- Complete construction May/June 2022

## **LAND USE ACTIVITY**

### **Building Worksheets**

- 2020-001 -084 on previous Activity Report(s)
- 2020-85 – 811 E Central Ave – sign
- 2020-86 – 1200 E Central, Sp 60 – remodel/repair
- 2020-87 – 852 S Comstock Rd – garage
- 2020-88 – 382 Church Rd – infrastructure, restroom & pavilion
- 2020-89 – 1200 E Central Ave, Sp 46 – MH
- 2020-90 – 105 Dakota Street – interior remodel
- 2020-91 – 977 E Sixth Ave – Accessory Bldg
- 2020-92 – 323 Cambridge Dr – solar panels
- 2020-93 – 350 Mardonna Way – remodel to SFD
- 2020-94 – 1780 Scardi Blvd – SFD
- 2020-95 – 933 Jones Buckley Rd – enclosing porch
- 2020-96 – 1081 E Third Ave – interior remodel
- 2020-97 – 1684 Scardi Blvd – SFD
- 2021-01 – 927 E Third Ave – interior remodel
- 2021-02 – 1937 W Duke Rd – SFD
- 2021-03 – 1965 W Duke Rd - SFD

**Active Land Use Applications**

- 20-S001 – 20-S018 on previous Activity Report(s)
- 20-S019 – IPPOLITO – Home Occupation
- 20-S020 – UMPQUA GOLF RESORT – Land Partition
- 21-S001 – CARSON – Tree Falling Permit (Less Than 5 acres)

**Right of Way Applications**

- 20-01 – 20-21 on previous Activity Report(s)
- 20-22 – 1341 Duke – Avista Utilities
- 20-23 – 1341 Duke – Pacific Power
- 20-24 – 256 Spence Ave – Charter Communications
- 20-25 – 522 Tanglewood St – Track Utilities
- 20-26 – 1221 E Third Ave – Avista Utilities
- 20-27 – 561 E Everett – Avista Utilities
- 20-28 – 1553 E Sixth Ave – Charter Communications