



**City of Sutherlin
Planning Commission Meeting
Tuesday, September 15, 2020
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Introduction of new Planning Commission Member

Approval of Minutes

May 15, 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, MAY 19, 2020**

COMMISSION MEMBERS PRESENT: William Lee, Richard Price, Collin Frazier and Norm Davidson

COMMISSION MEMBERS EXCUSED: Sam Robinson

COMMISSION MEMBERS ABSENT: Adam Sarnoski and Elainna Swanson

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

AUDIENCE (via Zoom): Elaine Howard (Elaine Howard Consulting, LLC)

Meeting called to order at 7:00 pm by Chair Lee.

APPROVAL OF MINUTES

A motion made by Commissioner Price to approve the minutes of the April 21, 2020 Planning Commission meeting; second made by Commissioner Frazier.

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

Opposed: None

Excused: None

Motion carried unanimously

APPROVAL OF FINDINGS OF FACT(S)

- 1. COOPER CREEK ESTATES LLC**, request for a Comprehensive Plan Map from Low Density Hillside to Medium Density, Zone Map Change from (RH) Residential Hillside to (R-2) Medium Density Residential, along with a Land Partition on a 1.31 acre property. **PLANNING DEPARTMENT FILE NO. 20-S002**

A motion was made by Commissioner Price to approve the Findings of Fact for COOPER CREEK ESTATES, LLC, request for a Comprehensive Plan Map from Low Density Hillside to Medium Density, Zone Map Change from (RH) Residential Hillside to (R-2) Medium Density Residential, along with a Land Partition on a 1.31 acre property (File No. 20-S002) presented at the April 21, 2020 Planning Commission meeting; motion seconded by Commissioner Davidson.

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

Opposed: None

Motion carried unanimously

COMMISSION BUSINESS

1. **SUTHERLIN TAX INCREMENT FINANCE PLAN** including its relationship to the Sutherlin Comprehensive Plan

Elaine Howard, with Elaine Howard Consulting, LLC via ZOOM, gave the Planning Commission background information about Urban Renewal Districts (URD) and Tax Increment Financing. Mrs. Howard then presented the Commission with an informative slide show presentation on the Sutherlin Tax Increment Finance Plan and how an Urban Renewal District is formed and functions. This information is needed to be able to allow the Planning Commission to satisfy their role in verifying its conformance to the Sutherlin Comprehensive Plan and making a recommendation to City Council.

A motion was made by Commissioner Davidson to recommend to City Council per staff recommendation that the Sutherlin Planning Commission finds, based upon the information provided in the staff report and the provided attachments, that the Sutherlin Tax Increment Financial Plan conforms with the Sutherlin Comprehensive Plan and further recommend that the Sutherlin City Council adopt the proposed Sutherlin Tax Increment Finance Plan; Commissioner Price seconds the motion.

In favor: Commissioners Price, Frazier, Davidson and Chair Lee
Opposed: None
Motion carried unanimously

COMMISSION COMMENTS – None.

ADJOURNMENT - With no further business the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Jamie Chartier, City Planner

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2020.

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

Section 1.1

SUTHERLIN DEVELOPMENT CODE

This Sutherlin Development Code shall govern development within the corporate city limits of the city of Sutherlin.

SECTION 1.2

GENERAL ADMINISTRATION

1.2.100 Interpretation of Purpose Sections. Many of the divisions of this land use code contain “introduction” and “purpose” sections which are intended to provide general explanatory information concerning subsequent code sections. The content of these sections shall not constitute approval criteria or be used to interpret such criteria unless the sections are specifically referenced for that purpose in another section of this land use code. The Community Development Director may permit in any zone a use not listed in this ordinance if the requested use is of the same general type and is similar to the uses permitted within the zone. The decision of the Community Development Director may be reviewed by the Planning Commission on its own motion or appealed to the Planning Commission.

1.2.110 Most Restrictive Regulations Apply. Where this code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive, or that imposing the higher standard, shall govern.

1.2.120 Pre-Existing Approvals. Development for which approvals were granted prior to July, 2007 may occur pursuant to such approvals; except that modifications to development approvals shall comply with section 4.7, Modifications to Approved Plans and Conditions of Approval.

1.2.130 Building Permit and Certificate of Occupancy.

- A. Building permit.** A building permit shall not be issued for a project or use until the proposal has been approved in accordance with applicable provisions of chapter 4, Applications and Review Procedures, if any.
- B. Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the city has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building codes. A certificate of occupancy may be granted for a portion of a structure.

Section 1.3

DEFINITIONS

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or

pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. (See also, section 3.2.110.)

Accessible - Approachable and useable by people with disabilities. Complies with the Americans with Disabilities Act.

Accessory building or use - The use of land or a subordinate building or a portion of a principal building, such use or building being secondary to or incidental to the principal use or structure, except for accessory dwellings as defined by this code. (See section 2.1.130)

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.

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than thirty (30) percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture - As used in this code, “agriculture” is the same as “farm use”. (See also, Oregon Revised Statutes (ORS) 215.203(2)(a).)

Alley - A public or private right-of-way which provides a secondary means of access to a property.

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

Approving Authority – The person or body identified in section 4.2 as the decision-maker under a Type I, II, III, or IV process.

Arcade - An arched or covered passageway; often along building fronts or between streets.

Arterial - The primary function of an arterial is to provide through movement to traffic, distributing it to collector streets and principal highways, and providing limited land access. These streets are generally characterized by a three to five lane cross section, and should accommodate pedestrian and bicycles movements. Signalization should be provided at intersections with other arterials and collector streets, as warranted. Sutherlin’s arterials are designed with large rights-of-way (68-100 feet wide) with pavement widths of at least 48 feet. Arterial streets have limited or controlled access to them and have

little or no on-street parking. Oregon's Transportation Planning Rule requires bicycle lanes and sidewalks along arterials. Bicycle lanes are required on arterials even if they do not generate significant bicycle traffic. (See section 3.5.110(F))

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

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.

Basement - The lowest floor of any building when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and a subbasement.

Bed and breakfast inn - Provides accommodations (two (2) or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. (See section 2.67.120)

Berm - A small rise or hill in a landscape, which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Block - An area of land which may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, or water courses. (See also, section 3.2.110.L.)

Boarding (lodging or rooming) houses - A building or portion thereof, other than a hotel, where lodging and/or meals for five or more persons, but not more than twenty (20) persons, are provided for a compensation and without individual cooking facilities.

Bollard - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard - A street with broad open space areas; typically with planted medians. (See section 3.5.110.F.)

Boundary Line – The property line abutting a lot or parcel.

Boundary line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

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 used for production and storage. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

Building - A structure having a roof, but excluding all forms of vehicles even though immobilized, except a mobile home or similar vehicle may be considered a building if it has been certified as meeting the requirements of the building code as defined herein. Where this code requires or where special authority granted pursuant to this code requires that a use shall be entirely enclosed within buildings, this definition shall be qualified by adding 'and enclosed on all sides.

Building Code - The building code of the state of Oregon which consists of the structural specialty code and fire and life safety code, the plumbing specialty code as adopted and administered by the city of Sutherlin.

Building footprint - The outline of a building, as measured around its foundation.

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building pad - A vacant building site on a lot with other building sites.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Caretaker unit – A single family dwelling unit on the site of commercial, industrial, public or semi-public, or public assembly use occupied by a guard or caretaker and which is limited a single housekeeping unit.

Centerline radius - The radius of a centerline of a street right-of-way.

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

Child care center, family child care - Facilities that provide care and supervision of minor children for

periods of less than twenty-four (24) hours. “Family child care providers” provide care for not more than twelve (12) children in a home. (See also, ORS 657A for certification requirements.)

Church - A building designated or used for public worship by a religious body.

Clinic - A healthcare facility operated by a group of physicians, dentists, or other licensed medical practitioners for the treatment and examination of out-patients.

Club - Building and facilities, owned or operated for a social, educational or recreational purpose, to which membership is required for participation, and not operated primarily for profit nor to render a service which is customarily carried on as a business.

Collector - The primary function of a collector is to move traffic between arterials and local streets, and to provide access to adjacent uses. The collector street is generally characterized by a two or three lane cross section. Oregon’s Transportation Planning Rule requires bicycle lanes and sidewalks along major collectors. Bicycle lanes are required on major collectors even if they do not generate significant bicycle traffic. Intersections with other collectors and arterials may be signalized, as warranted. Sutherlin’s collectors have a minimum right-of-way width of 60 feet with a minimum pavement width of 40 feet. Property access from collector streets should be discouraged. (See section 3.5.110.F.)

Commercial - Land use involving buying/selling of goods or services as the primary activity.

Commission - The Planning Commission of the city of Sutherlin.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Community building - A publicly owned and operated facility used for meetings, recreation, or education.

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.

Comprehensive Plan support document - Background information, facts and considerations that served as the basis for the conclusions in the Comprehensive Plan. Although not a part of the legally adopted plan document, the background material is essential to understand why and how the plan’s conclusions were reached.

Conditional use - The relaxation of strict terms of this code to permit similar uses in districts where such similar uses may require additional controls and safeguards not required of otherwise permitted uses. A use which requires a conditional use permit. (See section 4.5.)

Condominium - An arrangement by which property is jointly owned. It involves joint ownerships of

multiple-occupant building with each occupant having title to a separate divided interest in the property.

Consensus - Agreement or consent among participants.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

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

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof.

Cottage - A small house that may be used as an accessory dwelling, in conformance with section 2.6.100.

County - Douglas County.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Curb cut - A driveway opening where a curb is provided along a street.

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

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

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.

Development - All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Development site - A property consisting of a parcel or group of contiguous that is/are proposed for development, or under development, and subject to a permit approval under this code. (See also, "site.")

Discontinued/abandoned use - See chapter 5.3 - Non-Conforming Uses and Developments.

Drip-line - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one line vehicles.

Drive through facilities – (See section 2.6.130.)

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. (See Figure 3.2.110M.)

Drought-tolerant/drought-resistant plants – As defined and/or listed by the Oregon State University extension service publication(s) for western Oregon.

Duplex - A building with two attached housing units on one lot or parcel.

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.

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Electric powered personal vehicles - Electric powered carts, scooters, and other personal vehicles, including but not limited to golf carts.

Employee - All persons (including proprietors, executives, professional staff, labor, administrative, production, sales and distribution employees) working on the premises during the largest shift.

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Facility – A structure that is constructed, placed, or erected for the purpose of furthering a permitted or conditional use.

~~**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.~~

Family day care - See “child care facilities.”

Farm - A body of land devoted to agriculture, either raising crops or pasture for livestock. “farm use” 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

Farming - The practice of agriculture, either raising crops or pasture for livestock.

Fire apparatus lane - As defined by the uniform fire code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of the lot.

Flashing sign - A sign, part or all of whose lights go on and off, or appear to go on and off intermittently, whether computer controlled or not.

Floor area - The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven (7) feet.
2. Basement, if the floor is less than six (6) feet above grade.
3. Uncovered steps or fire escapes.
4. Private garages, carports or porches.
5. Accessory water towers or cooling towers.
6. Accessory off-street parking or loading spaces.

Floor area ratio (FAR) – The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one (2:1) means two (2) square feet of floor area for every one (1) square foot of site area.

Frontage- The dimension of a property line abutting a public or private street.

Frontage street or road - A minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the Sutherlin’s comprehensive plan, transportation system plan, by adopted county plans, and Oregon department of transportation.

Garage, automobile repair - Any building or premises used for commercial repairs of motor vehicles but not including auto wrecking of storage or wrecked cars.

Garage, private - An accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on.

Geotechnical Report – A report prepared by an engineering geologist, geotechnical engineer, or civil engineer licensed to practice in the state of Oregon, in which the author describes the geologic characteristics of a proposed development site, including all testing procedures used, and assesses the suitability of the site for the proposed use, together with grading and drainage recommendations. (See *Guidelines for Preparing Engineering Geologic Reports in Oregon*, adopted by the Oregon State Board of Geologist Examiners on May 8, 1990.)

Grade, (ground level) - The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Ground cover - Living plants or other plant-derived landscaping material (e.g., mulch, bark chips) that is used to cover bare ground. (See also, section 3.3 - Landscaping.)

Guest house - An accessory building to a dwelling providing sleeping facilities but no cooking facilities and which building is not rented nor leased.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

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

Home occupation, 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.)

Hospital - An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care with nursing service on a continuous basis.

Hotel - A building containing six (6) or more rooms designed and rented out for sleeping purposes for visitors and other transient customers.

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration (e.g., pavement, roofs, etc.).

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill - The development of vacant, bypassed lands located in an area that is mainly developed.

Internal access road - A private road entirely within a manufactured home park or recreational vehicle park, providing vehicular access to manufactured homes or recreational vehicles and accessory uses.

Kennel - A use providing for the accommodation of four (4) or more dogs or cats which are six (6) months old or older, where such animals are kept for board, propagation, training or sale.

Kindergarten - An activity or facility which provides preschool education and training for preschool children at which each class session per day shall be longer than three and one-half (3 ½) hours in duration.

Land division - The process of dividing land to create parcels or lots.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). (See section 4.2.150.)

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The level of service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture – (See section 2.5.)

Livestock - Domestic animal types customarily raised or kept on farms.

Loading, off-street - An off-street space or berth on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. (See also chapter 3.5.100.)

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). (See also, section 4.4.)

Lot area - The total surface area (measured horizontally) within the lot lines of a lot.

Lot corner - A lot situated at the intersection of streets or, if on a curved street, where the angle of intersection of curve tangents is less than one hundred thirty-five (135) degrees.

Lot coverage - The area of a lot covered by a building or buildings and impervious (paved) surfaces, including accessory structures, expressed as a percentage of the total lot area.

Lot depth - The perpendicular distance measured from the midpoint of the front lot line to the rear lot line. In the case of irregular or triangular lots, the lot depth will be established by a lot depth line which is parallel to the front lot line and located by the intersection of the perpendicular from the front lot line midpoint and the rear lot line (identified as the lot line intersected by the perpendicular from the front lot line midpoint).

~~**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, interior - A lot other than a corner lot with only one frontage on a street.

Lot line - The property line bounding a lot or parcel.

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.
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.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Mall - An area of street-like proportions given over entirely to pedestrian traffic. Such an area usually forms a line in the regular street-plan of a city where the need for a vehicular right-of-way is not great and such traffic can be routed around the mall area.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured home - A transportable single-family dwelling conforming to the manufactured housing construction and safety standards code of the U. S. Department of Housing and Urban Development, but is not regulated by the Oregon state structural specialty code and fire life safety regulations, and is intended for permanent occupancy.

Manufactured home lot line - A boundary line of a lot or site designated or used for the occupancy of one manufactured home.

Manufactured home park - As defined by ORS 446.

Marquee - A permanent canopy projecting over an entrance.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. (See also, section 4.2.130.)

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., “Improvements to a street may be required to mitigate for transportation impacts resulting from development.”)

Motel - An individual building or group of attached or non-attached building containing guest rooms together with conveniently located parking spaces on the same lot, which are designated, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges, and tourist courts.

Motor Vehicle Wrecking Yard - An area used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers; or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers or their parts; or the storage of vehicles unable to be moved under the power of the vehicle.

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.)

Multi-use pathway - A pathway for pedestrians, bicycles, and electric personal vehicles, and may include a soft path for equestrian use. (See section 3.2.120A4.)

Natural resource areas/natural resources – Natural areas that contain resources of value to the community, whether or not specifically identified in the comprehensive plan, such as woodlands, riparian zones, floodplains, and wetlands.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, faults, landslides, flood areas.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Non-conforming use/non-conforming development - A structure on or use of land established prior to enactment of and prohibited by this code or any amendment thereto. (See chapter 5.3.)

Non-native invasive plants - See Oregon State University extension service bulletin for your area.

Nursery school - A school, home, or institution designed or used to provide daytime care and instruction for four (4) or more preschool children not resident therein.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of section 3.4.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. (See also, section 3.4.)

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

Orientation - To cause to face toward a particular point of reference (e.g., “A building is oriented to the street when its front elevation and entrance face the street.”)

Oriented to a street - See “Orientation.”

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one zoning district.

Owner – Property owner; may include an authorized agent of the owner for the purpose of filing applications under this code.

Parcel - A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)). (See also, section 4.4.)

Parking area, public - A structure or open area, other than a public street or an alley, designed or used

for the temporary parking of vehicles and available for public use, whether free, for compensation, or as an accommodation to customers or clients.

Parking lot perimeter - The boundary of a parking lot area, which usually contains a landscaped buffer area.

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See also, ORS 92.010(8).)

Pathway/walkway/accessway – (See section 3.2.120A.) As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the transportation planning rule. (Oregon Administrative Rules (OAR) 660-012-045.)

Pedestrian amenity(ies) - Pedestrian amenities (benches, drinking fountains, landscaping, etc.) serve as informal gathering places for socializing, resting, and enjoyment of the city’s downtown, and contribute to a walkable district.

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

Personal service - A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premise.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planned unit development - Is a development which stays within the density requirements of area in which it is located for the overall project while allowing a degree of latitude in describing individual lot sizes and also has a percentage of its gross area devoted to recreational development or open space uses.

Planning Commission - Shall mean the planning commission of the city of Sutherlin.

Planter strip, tree cut-out - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Douglas County assessor’s office. All plats shall also conform to section 4.4 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre.

Primary - The largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Professional office - An office occupied by persons providing personal services such as an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, practitioner of the human healing arts or other similar services.

Projection - Eaves, cornices, platforms, porches, or any type of structure attached to the main building.

Property line: front, rear, interior side, street side - A lot boundary or parcel boundary as defined in ORS 92.

Property line adjustment - means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel; has the same meaning as Boundary Line Adjustment.

Public facilities - A public project or city facility. (See also section 3.5.)

Public improvements - Development of public facilities. (See also section 3.5.)

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this code, and usually involves a public hearing. (See also section 4.8.120.)

Recreational vehicle - A vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. “Recreational vehicle” includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter. A recreational vehicle is not a single family dwelling or a dwelling unit under the provisions of this code.

Recreational vehicle park - An area of ground upon which one (1) or more trailers or recreational vehicles may be temporarily placed for human occupancy, and with other facilities therein which are required by this code.

Rehabilitation center - A domiciliary structure housing or intended to house persons for care or treatment for and rehabilitation from alcohol, drug, criminal or comparable or allied social and personal problems.

Residence - See “dwelling.”

Residential caretaker unit – A dwelling unit that is accessory and interior to a commercial, industrial, or public use.

Residential Care Center – A residential care, residential training, or residential treatment facility as defined in ORS 443.705, 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 sixteen (16) or more 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.

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.).

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as ratio (e.g., one (1) foot of rise per two (2) feet of horizontal distance).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

School - Any public kindergarten, elementary, junior high, high school or college, or comparable private school.

Screened - Concealed or cut off from visual access.

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.~~

Shared driveway - When land uses on two (2) or more lots or parcels share one (1) driveway. An easement or tract (owned in common) may be created for this purpose.

Shared parking – Shared parking is defined as the shared use of required parking spaces which serve a collection of land uses in a downtown or development without conflict or encroachment. The calculation of shared parking allows for a reduction of the total amount of parking which would required if the individual uses were considered separately. (See section 3.4.120C4.)

Sign - Any face of any lettered or pictorial device or structure designed to inform or attract attention. (See Section 3.7)

Significant trees, significant vegetation – Trees and vegetation are deemed to be significant and thus require protection when they meet the standards in section 3.3.

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. Driveways may not be located in the required side setback.
5. Eaves on the side of a house with a reduced setback may not project over the property line.
6. 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.
7. 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.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

Site plan review, development review - Site design review and development review are two types of land use approvals that can be granted under this code. (See also section 4.3.)

Special flood hazard area - The land in the floodplain within a community subject to a one (1) percent or greater change of flooding in any given year.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Steep slopes - Slopes of greater than twenty-five (25) percent.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Story - That portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. The finished floor level directly above a basement or cellar shall be considered a story.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians that meets the city standards in section 3.5.

Street access - Vehicle access taken from a public right-of-way, usually but not always requiring a street opening or curb cut. (See also section 3.2.110.)

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street grade and right-of-way - The officially established street grade or right-of-way lines upon which a lot fronts.

Street line - A dividing line between a lot, tract, or parcel of land, and a contiguous street.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out.

Structural alteration - Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in the exterior walls.

Structure - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground. See “building.”

Subdivision - To divide land into four (4) or more lots within a single calendar year. (ORS 92.010(13).)

Swale - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process storm water contaminants.

Tangent - Meeting a curve or surface in a single point.

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 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.

Temporary Commercial Vendor – A commercial business operating within a pre-fabricated structure that is constructed for movement on the public highway. Such a use may locate in any commercial zone so long as 1) the structure has been reviewed by the County Building Department; 2) the structure remains road ready with chassis, wheels and trailer tongue attached; 3) the parking requirements of Section 3.4 have been met; and 4) the County Health Department has licensed the vendor for food and beverage handling.

Terrace - A porch or promenade supported by columns, or a flat roof or other platform on a building.

Topographical constraint - Where existing slopes prevent conformance with a code standard.

Tower - A portion of a building that is higher than the remainder of the building, or a tall structure of smaller dimension separate from the building it accompanies, such as the steeple of a church.

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.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Training - The systematic, planned maintenance, development, or enhancement of self-care skills, social skills, or independent living skills, or the planned sequences of systematic interactions, activities or structured learning situations designed to meet each resident's specified needs in the areas of physical, social, emotional, and intellectual growth.

Transportation facilities - The physical improvements used to move people and goods from one (1) place to another (i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.).

Treatment - A planned, individualized program of medical, psychological, or rehabilitative procedures, experiences, and activities designed to relieve or minimize mental, emotional or physical symptoms or social, educational, or vocational disabilities resulting from or related to the mental or emotional disturbance or physical handicap.

Triplex - A building with three (3) attached housing units on one (1) lot or parcel.

Urban Growth Boundary (UGB) - A line drawn on the city's official map that indicates the outermost limit of the city's planned expansion.

Urban Growth Management Agreement - A written agreement between the city and Douglas County specifying how the unincorporated area within the jointly adopted urban growth boundary is to be managed.

Use - The purpose for which land or a building is designed, arranged or intended or for which it is occupied or maintained, let or leased.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, "vacation" of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this code. (See section 5.2.)

Vision clearance area – The triangular area on a parcel or lot located at the intersection of two streets where visual obstructions are restricted for clear vision from vehicles. (See also, Figure 3.2.110.P.)

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

Watchman's Quarters – A “Watchman's Quarters” is an 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.

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by section 404 of the Federal Clean Water Act, and OAR 141-85-010. For more information, contact the Oregon department of state lands.

Window hood - An architectural detail placed above a window, used as an accent.

Wireless communication equipment - Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

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.

Yard, required - The area defined by setbacks (i.e., between the setback line and respective property line). For triangular or irregularly shaped lots, the required rear yard is that which abuts the rear lot line identified when calculating lot depth as defined above.

Zone - A land use area or district established by the Sutherlin city council for designated purposes.

Zoning - The division of the territory of a county or municipality into districts which provides various restrictions on the use of land in the districts.

Section 1.4

ENFORCEMENT

1.4.100 Minimum Requirements. In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

1.4.110 Violations. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this code or any amendment thereto.

1.4.120 Penalty.

- A. Penalty.** A violation of this chapter is declared to be punishable by a fine not to exceed \$1,000.00.
- B. Each violation a separate infraction.** Each violation of a provision of this code shall constitute a separate infraction, and each day that a violation of this code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required.** A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.
- D. Responsible party.** If a provision of this code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.130 Complaints Regarding Violations. Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a signed, written complaint with the city recorder. Such complaints shall state fully the causes and basis thereof. The city recorder shall refer such complaints to the proper department to investigate and take action thereon as provided by this code.

1.4.140 Abatement of Violations. Any development or use which occurs contrary to the provisions of this code or contrary to any permit or approval issued or granted under this code is unlawful, and may be abated as a nuisance by appropriate proceedings as approved by the city manager.

1.4.150 Stop-Order Hearing.

- A. Stop order issued.** Whenever any work is being done in violation of the provisions of the code or a condition of any permit or other approval granted pursuant hereto, the may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop-order hearing.** The city shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than thirty (30) days after the effectiveness of any required notice. At the discretion of the city planner, such hearing may be:
 - 1. Part of a hearing on revocation of the underlying development approval; or
 - 2. Solely to determine whether a violation has occurred. The planning commission shall hold this hearing and shall make written findings as to the violation within thirty (30) days. Upon a finding of no violation, the planning commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the planning commission

that the violation has been abated. The planning commission decision is subject to review under section 4.2.140 - Type III (Public Hearing) Procedure.

Chapter 2

Zoning Districts

Sections:

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- 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
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2.3 Commercial Districts

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2.4 Public / Semi- Public District

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2.45 Mixed Use District

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Section 2 - Zoning Districts

2.6.7 —Special Use Standards

- 2.6.100 Accessory Dwellings
- 2.6.110 Accessory Uses and Structures
- 2.6.120 Bed and Breakfast
- 2.6.130 Drive-Through Facilities
- 2.6.140 Group Care Homes and Facilities
- 2.6.150 Home Occupation
- 2.6.160 Manufactured Homes on Lots
- 2.6.170 Manufactured Home Parks
- 2.6.180 Residential Sales Office, Temporary
- 2.6.190 Wireless Telecommunication Facilities
- 2.6.210 RH Zone – Hillside Development Standards and Slopes over 12%

- 2.6.220 Excavation and Grading in all Zones
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- 2.6.240 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 2.1

ZONING DISTRICT ADMINISTRATION

2.1.100 Classification of Zoning Districts. All land within the city of Sutherlin is classified into zoning districts. The use of each lot, parcel and tract of land is subject to the uses permitted by the applicable zoning district. The zoning districts are as shown on the zoning district map.

2.1.110 Zoning District Map.

- A. Consistency with Zoning District Map.** The boundaries of zoning districts are indicated on the city's official zoning district map. Said map by this reference is made a part of this Sutherlin development code. A certified print of the adopted zoning district map, and any map amendments, shall be maintained by the city.
- B. Applicability of Zoning Requirements.** Each lot, tract and parcel of land or portion thereof within the zoning district boundaries as designated and marked on the zoning district map, is classified, zoned and limited to the uses as hereinafter specified and defined.
- C. Zoning District Map Amendments.** All amendments to the city zoning district map shall be in accordance with the provisions of section 4.8. The city shall make available for public inspection an up-to-date copy of the zoning map.

2.1.120 Determination of Zoning District Boundaries. Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning district map, or due to any other reason, there is uncertainty as to the intended location of district boundary lines, the boundary lines shall be determined in accordance with the following:

- A.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracts or alleys shall be construed to follow such center lines;
- B.** Boundaries indicated as approximately following the boundaries of a parcel lot, or tract shall be construed as following such boundaries;
- C.** Boundaries indicated as approximately following a city boundary, or the urban growth boundary, shall be construed as following said boundary;
- D.** Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following river, stream and/or drainage channels or basins, as applicable; and
- E.** Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a zoning district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject zoning districts down the centerline of the right-of-way.

2.1.130 Accessory Buildings, Uses and Dwellings. Accessory uses and structures as defined in section 1.3 shall comply with the following standards:

- A. Primary Use Required.** An accessory structure shall not be allowed before or without a primary use, as identified in sections 2.2 through 2.5.

Section 2 - Zoning Districts

- B. **Setback Standards.** Accessory structures shall comply with the applicable minimum setback standards of the zone; the maximum setback provisions shall not apply.
- C. **Compliance with Subdivision Standards.** The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- D. **Outdoor Sales/Display as an Accessory Use.** Temporary outdoor sales or displays shall not encroach into a public right-of-way.
- 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.

Section 2.2

RESIDENTIAL DISTRICTS

2.2.100 Purpose and Applicability.

- A. **Purpose.** The residential districts provide for neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the City's residents. The districts provide for a range of residential habitation including residential-hillside, single family, multifamily, manufactured home, and combinations thereof, together with home occupations, schools, parks, and public services necessary for neighborhood living.
- B. **Applicability.** Residential zoning districts fall under four categories:
 - 1. Residential Hillside (RH); This district preserves the visual and physical identity of the hills, as well as the native geologic conditions so far as practicable through larger lot sizes and special construction standards, while permitting single family residential development.
 - 2. Low density residential (R-1); This district is a low density area that protects established single family neighborhoods and preserves the residential quality, value identity environmental privacy, light and air and outdoor space that is meant to conform to systems and facilities which support the residential quality of the area.
 - 3. Medium density residential (R-2); This district is a medium density area allowing a compatible mix of both single family and multiple family housing protected as to residential quality, value, identity, environmental privacy, light and air and outdoor space that is meant to conform to systems and facilities which support the residential quality of the area.
 - 4. Multifamily residential (R-3); This district is a medium to high density area meant to serve as a general residential district allowing a large variety of housing and densities without conflict together with certain nonresidential uses.

Section 2 - Zoning Districts

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
Residential				
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	C S-P	S	S	S
- Residential care facility	N	N	S	S
Family daycare	P	P	P	P
Home Occupation (Section 2.6.150)	S-P	S-P	S-P	S-P
Agriculture, Horticulture (and livestock) (Section 2.67.240)	S-P	S-P	S-P	S-P
Public and Institutional				
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

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>
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 (Section 2.7.110) ²	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>
Minimum Zone Size	None	None	None	None
Minimum-Maximum Density (dwelling units/net acre)	0-3 du/acre	0-6 du/acre	0-12 du/acre	8 12-27 du/acre
Minimum Lot Area (square feet)				
- single family non-attached lot	12,000 s.f.	7,500 9,000 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)		50 ft.	50 ft.	40 ft.	40 ft.
- width at frontage – standard		24 ft.	n/a	24 ft.	24 ft.
- width at frontage – townhouse		20 ft.	20 ft.	20 ft.	20 ft.
- width at frontage – flag lot (Section 2.6.2003.2.110(Q))		100 ft.	90 ft.	80 ft.	70 ft.
- depth – alley right-of-way		100 ft.	100 ft.	90 ft.	80 ft.
- depth – no alley r-o-w.					
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 2.3

COMMERCIAL DISTRICTS

2.3.100 Purpose and Applicability.

A. Purpose. The purpose of the commercial districts is to:

1. Allow a mixture of complimentary land uses that may include, retail, offices, commercial services, civic uses, and housing to create economic and social vitality and to encourage the linking of trips;
2. Develop commercial and mixed-use areas that encourage walking as an alternative to driving, and provide more employment and housing options;
3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
4. Provide both formal and informal community gathering places;
5. Provide roadway and pedestrian connections from the commercial districts to neighborhoods and other employment areas;
6. Maintain, preserve and enhance the distinct storefront character, which identifies the downtown commercial district;
7. Encourage efficient land use by facilitating compact development and minimizing the amount of land needed for surface parking;
8. Facilitate development (land use mix, density and design) that can be served by public transit where applicable;
9. Provide appropriate locations and design standards for automobile and truck-dependent uses;
10. Maintain mobility along traffic corridors and statewide highways; and
11. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.

B. Applicability. Commercial zoning districts fall under two categories:

1. Downtown Commercial (C-1); and
2. Community Commercial (C-3).

2.3.110 Permitted Uses, Conditional Uses, and Structures.

A. Permitted, Conditional Uses and Structures. The land uses listed in Table 2.3.110 are permitted in the commercial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.3.110 and the land uses that are approved as “similar” to those in Table 2.3.110 may be permitted. The land uses identified with a “C” in Table 2.3.110 require conditional use permit approval prior to development, in accordance with section 4.5 Conditional Use Permits.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

Section 2 - Zoning Districts

Table 2.3.110 – Permitted Uses		
Uses	Status of Use in District	
	C-1	C-3
Residential , 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
Commercial		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
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)	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
Civic		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools		
- pre-school, daycare, and primary	C	C
- secondary, colleges, and vocational	C	C
Clubs and Religious Institutions	C	C
Industrial		
Manufacturing and Production		
- greater than 5,000 sq. ft.	N	C
- not enclosed in a building or on ground floor	C	C

Section 2 - Zoning Districts

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	C-1 =	Downtown Commercial District
S =	Permitted with special standards or limitations	C-3 =	Community Commercial District
C =	Conditional use permit required		
N =	Not permitted		

2.3.130 Development Standards. All developments within the commercial districts must comply with the development standards listed in Table 2.3.130.

Table 2.3.130 – Development Standards

<i>Standards</i>	<i>Status of Standard in District</i>	
	C-1	C-3
Zone Size minimum	None	None
Building Height – maximum (feet)	50 ft. 60 ft. when at least 10,000 s.f. of floor area is residential	35 ft. 50 ft. when at least 10,000 s.f. of floor area is residential
Yard Setbacks (feet)		
- front setback – minimum	0 feet	0 feet
- front setback – maximum (1)	10 feet – except the setback may be increased to provide a pedestrian plaza, extra-sidewalk, or outdoor seating area.	20 feet, when C-3 site abuts a residential district
- side setbacks	0 feet side and rear, except 10 feet minimum adjacent to residential district	0 feet side and rear, except 10 feet minimum adjacent to residential district
- rear setbacks		
Lot Size and Dimensions	No Standard	No Standard
Lot Coverage – maximum coverage (2)	80%	75%

Section 2 - Zoning Districts

Notes:

- (1) The maximum front setback standard is met when at least 50 percent of the site frontage has building facade(s) placed at the minimum setback, at the maximum setback, or anyplace in between the minimum and maximum setback. Alternatively, the building may be setback by more than the maximum setback if the intervening space is improved with a pedestrian plaza with decorative pavers, landscape planters, seating, and other furnishings or amenities, as approved through Site Plan Review.
- (2) Compliance with other code standards may preclude development at the maximum allowable lot coverage.

2.3.135 Special Status for Single Family Residences. Existing uses granted special status (allowed) in commercial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on commercial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted commercial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of section 2.3.110 and 2.3.130 for permitted uses and development standards of the commercial districts.

Section 2.4

PUBLIC / SEMI-PUBLIC DISTRICTS

2.4.100 Purpose and Applicability.

- A. **Purpose.** The purpose of this district is to provide for the review and location of public and semi-public facilities and related uses, which by necessity, character, or effect will be compatible with surrounding uses.
- B. **Applicability.** The public/semi-public district applies to lands that have been so designated on the zoning map. Such designation is made upon a finding of public need for public/semi-public uses or facilities.

2.4.110 Permitted Uses. The following land uses are permitted in the Public/Semi-Public District, subject to Site Plan Review:

Table 2.4.110 – Permitted Uses	
<i>Uses</i>	<i>Status of Use in District</i>
Country clubs, private clubs, golf courses	P
Hospitals, sanitariums, nursing homes, convalescent homes, institutions of mentally disabled and not less than 50 feet from an adjoining use.	P
Places of worship; except tents, and other temporary structures or buildings not permitted	P
Private educational institutions	P
Public facilities; except not allowing public business offices, repair, or storage facilities.	P
Public parks, public recreation areas, and publicly owned and operated properties	P
Public schools	P
Uses similar to those listed above	P

Section 2 - Zoning Districts

Key:

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

P = Public/Semi-Public district

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 attachment of conditions as necessary to ensure compatibility with adjacent land uses.

2.4.130 Development Standards.

Table 2.4.130 – Development Standards	
Standard	P
Zone size minimum (square feet)	7,500 s.f.
Lot size minimum (square feet)	none
Lot depth minimum (feet)	100 ft.
Lot frontage minimum (feet)	75 ft.
Lot Coverage maximum (percent)	Minimum lot coverage shall be the same as adjoining districts. When site adjoins more than one district, an average shall be taken based upon the proportion of boundary shared with each district.
Yard Setback minimums (feet) - front setback - side setbacks - rear setbacks	10 ft., except may be reduced to 0 ft. when the development is adjacent to the C-1 district. 10 ft. side and rear
Building Height maximum (feet)	35 ft., except increased height allowed subject to Conditional Use Permit

Section 2.45

MIXED USE DISTRICT

2.45.100 Purpose and applicability

- A. **Purpose.** The mixed use district is intended to provide areas in which a variety of land use activities may be blended together with special locational conditions related to transportation facilities, existing uses on larger properties, reuse areas, and buffers between industrial, commercial and residential areas. In mixed use districts special care is needed to ensure compatibility and to reduce adverse impacts on existing land uses. The mixed use district is designed to:

1. To create small centers and corridors of mixed use.

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2. To blend residential uses in proximity with both commercial and industrial employment opportunities.
3. To buffer by less intensive use arrangements of uses that mitigate off site impacts.
4. To promote multi-modal transportation connections to surrounding downtown and residential areas.
5. To promote creativity in urban design.
6. To provide affordable housing units, commercial and industrial spaces.

B. **Applicability.** The mixed use district (MU) may be applied through a zone change to areas designated as (M-1) Light Industrial or (C-3) Community Commercial.

2.45.110 Permitted Uses, Conditional Uses and Structures

A. The following land uses are permitted in the MU designation:

USES	STATUS IN MU DISTRICT
<i>RESIDENTIAL</i>	
Single family & duplex residential, not exceeding 50% of area of mixed use project	P
Group living units, multi-family residential home/facility	C
Caretaker/Watchman	P
<i>COMMERCIAL</i>	
Retail Sales & Service	P
Offices & Office Space	P
Drive through Facilities	C
Vehicle Repair	P
Recreational Uses	P
Entertainment Buildings	C
<i>INDUSTRIAL</i>	
Manufacturing & Production	P
Wholesale Businesses	P
Industrial Services	P
Research & Laboratories	P
Government Facilities	P
Public & Private Utilities	P
Communication Facilities	P
<i>ACCESSORY</i>	
Accessory Uses & Structures	P

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Key:

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

- B. **Similar Uses.** Similar uses in the MU zone shall be a Type I procedure as outlined in Code 4.2.120 and determined by the Planning Director.

2.45.120 Development Standards. All development in the MU District shall be subject to standards applicable found in the related districts for the individual use listed in the MU District. These standards include:

1. Residential 2.2.120
2. Commercial 2.3.130
3. Industrial 2.5.120

Section 2.5

INDUSTRIAL DISTRICTS

2.5.100 Purpose and Applicability.

- A. **Purpose.** The industrial districts accommodates a range of heavy manufacturing, assembly, and processing of raw materials, junk yard, motor vehicle wrecking yards, light manufacturing, warehousing and distribution, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in the downtown. The district's standards are based on the following principles:
1. Ensure efficient use of land and public services.
 2. Provide a balance between jobs and housing, and encourage mixed-use development.
 3. Provide transportation options for employees and customers.
 4. Provide business services close to major employment centers.
 5. Ensure compatibility between industrial uses and nearby residential areas.
 6. Provide appropriately zoned land with a range of parcel sizes for industry.
 7. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.
- B. **Applicability.** Industrial zoning districts fall under two categories:
1. Light industrial (M-1); and
 2. General industrial (M-2).

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

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Conditional Use Permit approval prior to development or a change in use, in accordance with section 4.5.

- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

Table 2.5.110 – Permitted Uses		
Uses	M-1	M-2
<i>Industrial</i>		
(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
<i>Residential</i>		
Caretaker unit	S -P	S -P
<i>Commercial</i>		
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
Repair services	P	C
Wholesale trade and services	P	N
<i>Public and Institutional Uses</i>		
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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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

B. Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

1. Base Requirement. Buildings shall be no more than three (3) stories or thirty-five (35) feet in height, whichever is greater.

Section 2 - Zoning Districts

2. **Performance Option.** The allowable building height may be increased to sixty (60) feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features that are necessary to the industrial operation shall be screened, and may not exceed sixty (60) feet in height without approval of a conditional use permit. Wireless communication facilities such as monopoles and towers shall be required to meet the standards under section 2.6.190.

- C. **Special Lot Size and Development Standard.** A minimum parcel size of 50 acres shall apply to the 200-acre Oak Hills Industrial site located between Stearns Lane and Interstate-5 until one major industrial facility is constructed, after which a 10-acre minimum lot size shall apply up to 100 acres of the site to promote related industries.

2.5.125 Special Status for Single Family Residences Existing uses granted special status (allowed) in industrial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on industrial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted industrial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Section 2.5.110 and 2.5.120 for permitted uses and development standards of the industrial districts.

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 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

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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 2.6.120 – Conditional Uses

<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.

Table 2.6.130 – Development Standards

<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>	
- front setback	30 feet
- side setbacks	25 feet
- rear setbacks	25 feet
<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

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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.

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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:
 - 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;

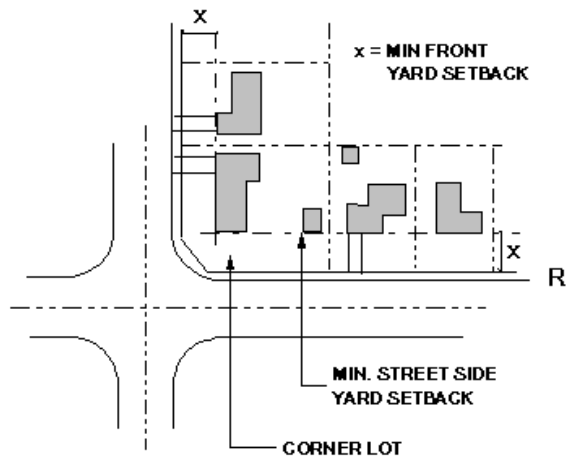


Figure 2.6.100D1a Accessory Building Street Setback

- 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.

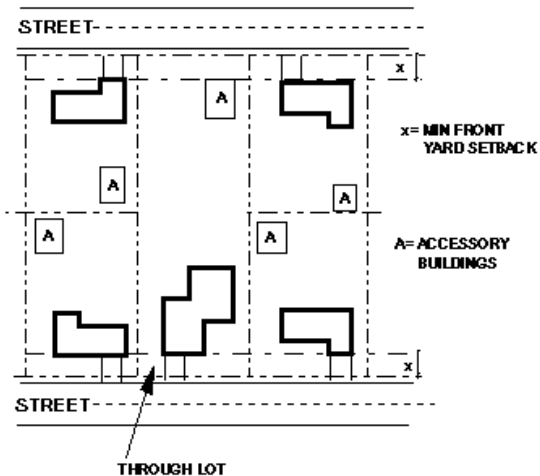


Figure 2.6.110D1c Accessory Building Height/Setback

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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;

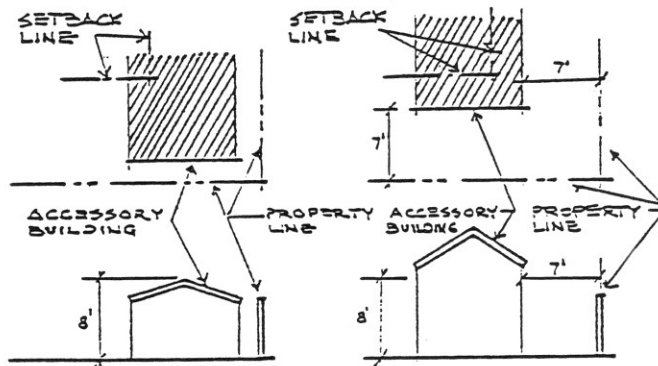


Figure 2.67.100D2 Accessory Building Lot Coverage

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.

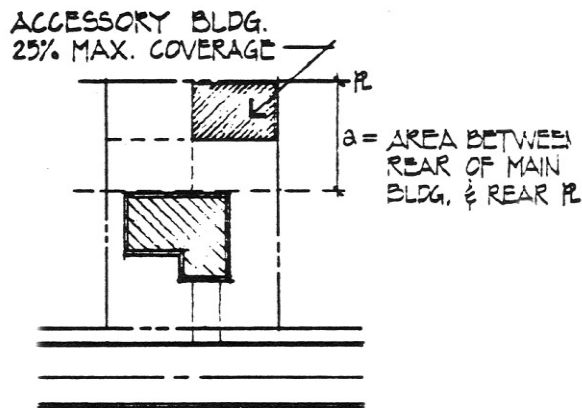


Figure 2.67.100D3 Accessory Building Rear Property Line

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

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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.
 - 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.

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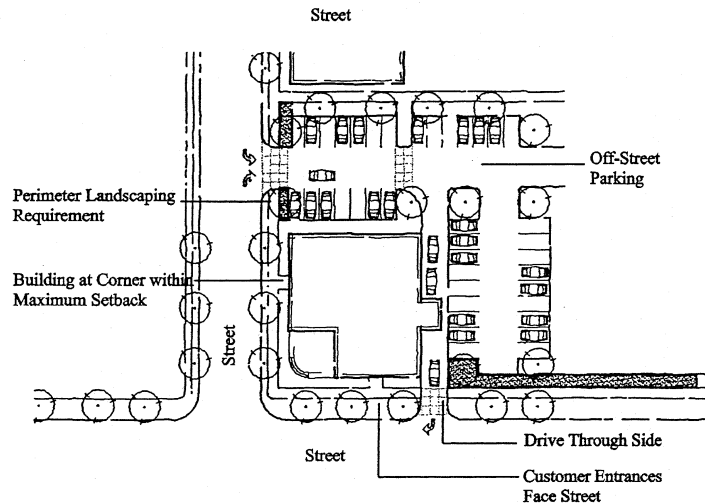


Figure 2.67.130 Drive-Through Facilities.

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

2.6.150 Home Occupation. Home occupations are subject to the following standards:

- A. **Appearance of Residence.**
 - 1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 - 2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

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3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 4. Products and or equipment produced or used by the home occupation shall not be displayed to be visible from outside any structure.
- B. Storage.**
1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
 2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.
- C. Employees.**
1. There shall be no more than one (1) employee at the home occupation site at any given time, in addition to any family member(s) who work and reside(s) at the site. As used in this chapter, the term a home occupation site means the lot on which the home occupation is conducted.
 2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
 3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
- D. Advertising and Signs.** Home occupations shall comply with the residential use sign regulations in section 3.7.
- E. Vehicles, Parking and Traffic.**
1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9 p.m. to 7 a.m.
 3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.
- F. Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 9 p.m. only, subject sections A and E, above.
- G. Prohibited Home Occupation Uses:**
1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, State or federal standards, or that can be detected beyond the property line is prohibited.

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2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
3. Any use described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibrations, such as:
 - a. Ambulance service;
 - b. Animal hospital, veterinary services, including auto painting;
 - c. Auto and other vehicle repair, including auto painting; and
 - d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

H. Enforcement. The city or designee may visit and inspect the site of home occupations in accordance with this section periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with section 1.4 Enforcement.

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;
- F. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state building code. Evidence demonstrating that the manufactured home meets "super good cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement; additional manufacturer's certification shall not be

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required;

- G. Placement.** The manufactured home shall be placed on an excavated and back-filled permanent full perimeter concrete or block foundation with footings below the frost line. The manufactured home shall not be located more than sixteen (16) inches above grade, and shall comply with the minimum set-up standards of the adopted state administrative rules for manufactured dwellings, chapter 918. Where the building site has a sloped grade, the manufactured home shall not be more than sixteen (16) inches above grade on the uphill side of the home; and
- H. Prohibited.** A manufactured home shall not be located in a designated historic district.

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

- A. Parcel Size.** Parcels shall be a minimum of one (1) acre or larger.
- 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 2.6.150, Home Occupations.
- C. Space.** The minimum size pad or space for each home is two thousand five hundred (2,500) square feet. Each space shall be at least thirty (30) feet wide and forty (40) feet long, in accordance with ORS 446.100(c).
- D. Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is fifteen (15) feet. The minimum setback between park structures and public street right-of-way is fifteen (15) feet. At least a ten (10) foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen (14) feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five (5) feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six (6) feet to any other structure or dwelling, except that a double carport or garage may be built which serves two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three (3) feet.
- E. Perimeter Landscaping.** When manufactured homes are oriented with their back or side yards facing a public right-of-way, the city may require installation of fencing and planting of a fifteen (15) foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
- F. House Design (parks smaller than 3 acres).** In addition to health and safety codes and standards and other applicable regulations, manufactured homes in parks smaller than three (3) acres shall meet the following design standards, consistent with ORS 197.314(6):
 - 1. 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);

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2. The manufactured home shall have 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 siding, and composite roofing is superior to metal roofing);
3. Exception: Subsections 1-2, above, do not apply to manufactured homes legally placed on a site prior to the effective date of this code.

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:

- A. **Temporary Occupancy Permit.** Prior to use of the premises as a temporary residential sales office, a temporary occupancy permit shall be obtained from City or its designee; and
- B. **Conversion and Final Approval of Dwelling.** Prior to the sale of any dwelling that has been used as a temporary residential sales office, the dwelling shall be restored to comply with all applicable codes and ordinances, and final approval obtained from the City of Sutherlin.

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:

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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| ~~2.67.190~~200 **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:
1. To minimize the number of transmission towers throughout the community;
 2. To encourage the co-location of telecommunication facilities;
 3. To encourage the use of existing buildings, structures, utility poles or water towers as opposed to the construction of new telecommunication towers;
 4. To ensure that all telecommunication facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community and
 5. To minimize public inconvenience and disruption. It is not the intent of the City to discriminate among providers of functionally equivalent services, or to prohibit or have the effect of prohibiting the provision of wireless services.
- B. **Definitions.** For the purposes of this code, the following terms and phrases shall have the following meaning. If the general definitions in section 1.090 conflict, the following definitions shall control.

Alternative Structures: Existing man-made structure that camouflages or conceals the presence of telecommunication facilities, such as clock tower, bell tower, church steeple, water tower, light pole, and similar alternative-design mounting structure.

Ancillary Facilities: The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennas: An electrical conductor or group of electrical conductors that transmit or receive radio waves that function at line of sight transmission, excluding amateur radio antennas.

Cellular System: A wireless system that operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells (frequency reuse).

Co-location: The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

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Existing Structure: Structure in existence prior to an application for a wireless communication facility installation.

Private Telecommunications Network: A system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly.

Provider: A person in the business of offering telecommunication services for monetary or other consideration.

Stealth Design: A telecommunication facility that is designed or located in such a way that its appearance is not readily recognizable as telecommunications equipment.

Telecommunication Facility: A facility designed or used for the purpose of transmitting, receiving, or relaying wireless voice or data signals from one or more telecommunication services, including any transmission towers, poles, antennas, or other structures.

Telecommunication Service: The business of transmission, for money or other consideration, wireless telecommunications in electromagnetic, electronic, or optical form. This includes but is not limited to cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, commercial paging services, and digital television.

Tower: Any structure built for the sole or primary purpose of supporting antennas and their associated facilities.

Guyed tower: A tower supported by the use of permanently anchored cables (guy wires).

Lattice tower: A tower characterized by an open framework of lateral cross members that stabilize the tower.

Monopole tower: A single upright pole, engineered to be self supporting without lateral cross supports or guys.

C. Permit Procedures

1. Permit Required. No telecommunication facility, as defined in this section, shall be constructed, modified to increase its height, installed, or otherwise located within the city, except as provided in this section. A telecommunication facility shall require a conditional use permit.

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2. Conditional Use Permit. A telecommunication facility requires a conditional use permit and shall be processed in accordance with the conditional use permit procedures of Section 4.05. The criteria contained in this section, as well as the criteria contained in Section 4.05 of this code, shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria in this section shall govern. No building permit shall be issued prior to completion of the conditional use permit process, including any local appeal.
3. Fee. The fee for a conditional use permit shall be set by council resolution. The fee for any telecommunication facility that has been erected without a building permit or without a conditional use permit shall be double the regular permit fee.
4. Application requirements:
 - a. Co-location or Installation of Antennas: In addition to standard required application material, an applicant who proposes to install or co-locate an antenna shall submit the following information. Additional application materials are required, as specified in paragraph (c) below, for applications for the required conditional use permit.
 - (1) A description of the proposed antenna's location, design and height.
 - (2) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.
 - (3) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
 - (4) A written statement indicating whether the frequency used by the applicant is in close proximity to the frequency used by local public safety officials. If the frequency is so close as to potentially interfere with public safety communications, the applicant shall provide a technical evaluation indicating the range of potential interference problems, shall consult with public safety officials about the evaluation, and shall agree in writing to cooperate in good faith with public safety officials to minimize interference to the greatest extent possible prior to installing its facilities.
 - b. Construction of Towers. In addition to standard required application material, an applicant for the construction of a transmission tower shall submit the following information.
 - (1) A description of the proposed tower location, design, and height.
 - (2) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

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- (3) A signed agreement stating that the applicant will allow co-location with other users, provided that all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.
 - (4) A landscaping plan, drawn to scale, showing the proposed and existing landscaping, including type, spacing, size, and irrigation methods.
 - (5) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
- c. Conditional Use Permit Applications. In addition to the application requirements specified above, applications for conditional use permits shall include the following information.
- (1) A visual impact analysis showing the appearance of the proposed tower, antenna or ancillary facility from at least three points within a two-mile radius. The analysis shall include the following:
 - (a) A map of the vicinity within two miles of the proposed facility that shows where any portion of the tower would be visible;
 - (b) Photo-simulations, elevations or other visual or graphic simulations that shows the proposed facilities in place; and
 - (c) An assessment of potential mitigation measures.
 - (2) Documentation that alternative sites within a one-mile radius of the proposed site have been considered for technological feasibility and availability. Provide documentation why other technologically feasible or available sites are unacceptable.
 - (3) Documentation that co-location is impractical on existing structures for reasons of structural capacity, safety, available space, or failing to meet service coverage area needs.
 - (4) A current overall system plan for the city, showing facilities presently constructed or approved, and future expansion plans.
 - (5) A statement explaining the need for the location, design, and height of the proposed tower or antenna.

D. Standards and Criteria

- 1. Setback. A tower shall be set back at least 150 percent of its height from the nearest public road. All measurements are from the tower base except that a guyed tower shall be measured from the guy wire ground attachment.

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2. Building Code Compliance. The construction of all telecommunication facilities shall comply with the Oregon electrical safety specialty code and the uniform building code (Oregon structural specialty code) that is in effect at the time the building permit is approved.
3. Visual Impact:
 - a. Towers and attached antennas shall be made of galvanized steel, painted in neutral shades that are compatible with the surrounding environment, or constructed according to a stealth design, as approved by the city. Ancillary facilities shall be finished in such a way as to blend with the surrounding environment.
 - b. The lowest 6 feet of the facility or tower shall be visually screened by trees, large shrubs, solid walls, or fences.
 - c. Towers shall be located so that visual impacts from any point within the city to the ridgelines surrounding the city shall be minimized to the greatest possible extent.
 - d. Alternative structures and stealth designs shall be used whenever feasible in locating antennas.
4. Tower Height. Telecommunication facilities shall be subject to the height limitations of the zone in which the facility will be located as well as the height limitations in subsection 15. The height and mass shall not exceed that which is essential for its intended use and public safety.
5. Separation Between Towers. No tower shall be constructed within 2000 feet of any existing tower, unless this requirement is specifically waived by the city for purposes of mitigating visual impact or improving compatibility with other uses of the property.
6. Co-location. Joint use of any new telecommunication tower is required whenever feasible. New transmission towers shall be designed to accommodate co-location of additional providers. Providers who own or manage towers shall provide co-location sites for additional telecommunication service providers at a reasonable cost, to the extent practicable. All co-located facilities shall be designed in such a way as to be visually compatible with the structures on which they are placed.
7. Equipment Shelters. All associated transmittal equipment shall be housed in an enclosed shelter. Equipment shelters adjacent to towers shall not exceed 750 square feet in area or 12 feet in height. The shelter shall be screened and landscaped to minimize visual impact.
8. Fencing. Telecommunication facilities shall be surrounded with protective fencing and entered through a locked gate.
9. Roadways. All roadways constructed to access telecommunication facilities will be paved with an all-weather surface designed to support emergency equipment and of sufficient width, with approved turn-around in accordance with Uniform Fire Code rules and regulation.
10. Display. No signs, striping, graphics, or other attention-getting devices shall be permitted on towers, except that one non-illuminated sign, not to exceed three square feet, is permitted to identify the owner and to provide emergency contact information.

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11. Lighting. No lighting shall be permitted on towers except as required by the Federal Aeronautics Administration or the Oregon Department of Aviation.
12. Removal of Wireless Telecommunication Facilities. A lease agreement between the property owner(s) and the provider shall be made available including a provision establishing responsibility for the removal of a wireless telecommunication facility within one year after active operation has been discontinued. The property owner(s) shall be responsible for insuring that this provision of the lease is met. The city is an intended third party beneficiary of the lease provision and shall be recorded as such with the county clerk as a deed covenant.
13. Modification of Telecommunication Facilities. All modifications of a telecommunication facility shall be reviewed as a new use, subject to the standards/design regulations pertinent to the zone designation in which it is located. It will be reviewed through a conditional use permit process.
14. Maintenance. All telecommunication facilities shall be maintained in good repair and in a safe and clean condition. All telecommunication facilities determined by the building department to be in other than good repair or a safe and clean condition shall be considered nuisances and subject to abatement proceedings.
15. Specific Standards and Criteria by Zone. All criteria of the underlying zoning district shall apply unless superseded by the following standards/criteria.
 - a. Telecommunication Facilities in Residential Zones. In the RH, R-1, R-2 and R-3 zones, telecommunication facilities will be allowed as follows:
 - (1) Antennas attached to existing alternative structures shall be allowed subject to conditional use permit approval. For the purpose of this section in residential zoning districts, “existing alternative structures” shall include the replacement of existing pole, mast, or tower structures (such as stadium light towers) for the combined purpose of their previous use and wireless facilities.
 - (2) A stealth design facility that does not exceed the height of the existing structure on which it is mounted shall be allowed subject to conditional use permit approval.
 - (3) Towers are prohibited.
 - b. Telecommunication Facilities in Non-Residential Zones.
 - (1) CS Zone. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any antenna or tower will not exceed 10 feet above the tallest structure or landscape element within 50 feet of the tower.
 - (2) C-1 and C-3 Zones. Telecommunication facilities attached to existing structures or alternative structures and towers shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any

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antenna or tower shall not exceed 10 feet above the tallest structure or landscape element within 50 feet of the antenna or tower.

- (3) M-1 and M-2 zones. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any antenna or tower shall not exceed 160 feet from grade.

~~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 2.6.220. 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.

- A. **Application Required.** All applications for development within the RH Zone or areas with slopes greater than 12% shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed below in B.

- B. **Site Plan Requirements.** The following plans shall be required for any development requiring a physical constraints permit:

1. Site Plan. A site plan clearly showing the following:
 - a. Project name.
 - b. Vicinity map.
 - c. Scale (the scale shall be at least one (1) inch equals fifty (50) feet or larger).
 - d. North arrow.
 - e. Date.
 - f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 - g. Lot layout with dimensions for all lot lines.
 - h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
 - i. Location and size of all public utilities affected by the proposed development.
 - j. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 - k. A topographic map(s) of the site at a contour interval of five (5) feet or less showing existing and proposed ground contours.
 - l. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 - m. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 - n. The proposed method of erosion control, water runoff control, and tree protection for the development.

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1. The proposed development will have a detrimental effect on the lands regulated and protected by this chapter.
 2. The proposed development is inconsistent with the comprehensive plan.
 3. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.
- H. As-Built Certification.** Within 30 days after completion of the project, and before final acceptance of public improvements by the city engineer, the applicant shall submit to the director a statement prepared by a qualified geotechnical engineer or geological consultant certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.
- I. Erosion, Slope Failure, Cuts and Fills.** This section describes standards for control of runoff, and the permit requirements for control of erosion and slope failure, and for cuts and fills. Any development which increases the natural runoff by decreasing the infiltration of the soil by any means shall conform to the following standards:
1. Roof Drainage. All roof drainage must be collected, controlled and directed either by underground pipe or concrete or asphalt gutter to a city street or storm drain or to a natural water course. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
 2. Hard Surface Drainage. All drainage from driveways, parking areas and other impervious surfaces must be collected, controlled and directed to a city street or storm drain or natural water course by underground pipe or concrete or asphalt gutter or disposed of on site. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
 3. Dry Wells. Connection to dry wells may be allowed for roof and hard surface drainage only with the approval of the city engineer, where city storm system is not available within 300 feet, the ground water table is well below the proposed dry well during all seasons, and a non-remonstrance agreement for future street and storm sewer improvements is signed by the applicant and recorded with the deed.
 4. Alternative Storm Water Disposal Systems. Any alternative methods of storm water disposal not herein described, such as a bio-swale or leach field, must be approved by the city engineer.
- J. Erosion and Slope Failure.** All development on lands with highly erosive lands or slopes greater than 12%, and all development which removes vegetation or disturbs topsoil and leaves the disturbed soil exposed shall comply with the following standards:
1. Re-vegetation. Any exposed soil shall be revegetated in a manner to reestablish a complete vegetative cover within 1 year of time of planting. If irrigation is not provided, then the exposed soil must be planted with species which can survive without irrigation.

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2. Maintenance. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained in perpetuity on areas which have been disturbed.
3. Temporary Erosion Control. During construction, erosion control measures such as straw bales, sediment fences, etc., shall be incorporated into plans to control erosion from the site as needed.
4. Exception. The above restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
5. Utility Anchors. Concrete anchors shall be constructed when pipelines are installed at grades of 20% or greater, in accordance with city standards.

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:

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)**.
3. 250+ Cubic Yards.
 - a. Any cuts and/or fills greater than 250 cubic yards must be designed by a licensed professional engineer.
 - b. If the cut and/or fill is not a city street or a public right-of-way, a licensed professional engineer shall declare to the city, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.
4. Right to Inspect. Nothing in this section shall abridge the city's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.
5. Master Plans. Any development or partitioning which is proposed on erosive and slope failure lands must be shown on a master plan at the time the final plan or plat is filed. All development must comply with the master plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), must be constructed by the applicant prior to any development occurring on the parcels.
6. Foundations. All structures in erosive and slope failure lands shall have foundations which have been designed by a geotechnical engineer.
7. Building Envelopes. All newly created lots or lots modified by a lot line adjustment must include a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

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2.67.220

Site Development, Excavation, Grading – In all Zones. Except as provided in section 2.6.210, excavation, fill placement, or removal of trees or ground cover shall require a permit from the Planning Department.

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- A. **Documentation.** Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and location of each cut or fill and include, at a minimum, the following information:
1. Map/Plan: The submitted map/plan shall include date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, contours at no more than 2-foot intervals.
 2. Property Description(s): Legal description including accurate property lines and boundaries.
 3. Planned Improvements: Proposed location of all improvements, including, but not limited to, structures, utilities, roads, storm drainage, and retaining walls.
 4. Topography: Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.
 5. Stabilization/Erosion Control Method(s): Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
 6. Vegetation/soils: General description and notation of trees and ground cover; general description of soils and characteristics. Subject to review, certain development projects may require a geo-technical report.
 7. Water Courses: Identify all or portions of rivers, streams, wetland, springs, or other source where the continuous presence of water is indicated and which would be disturbed.
 8. Grading Plan: Plan including cut and fill areas, existing and finish grades and slope height.
 9. Drainage: Drainage plan complying with adopted storm drainage standards.
 10. Supplementary Information: Name and address of property owner.
 11. Project Description: General description of the proposed project.
 12. Schedule: Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
 13. Additional Permit(s): Permit approvals or applications from other agencies such as the Oregon Department of State Lands, Oregon Department of Environmental Quality, or the U.S. Army Corps of Engineers shall be provided at the time of application submittal.
 14. Other: Other information as deemed necessary by the Sutherlin Planning Department in order to adequately review and approve the application.
- B. **Exceptions.** A site development permit shall not be required for the following activities:
1. Projects or developments which have received Site Plan Review approval under section 4.3.
 2. The installation and maintenance of public utilities and infrastructure such as water lines, water meters, pump stations, sewer lines, and streets by the City of Sutherlin, other utilities or their contractors.
 3. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

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4. Removal of trees, ground cover, or obnoxious vegetation on partially developed property for purposes of general property and utility maintenance, fire hazard removal, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.

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).
6. If the cut and/or fill is not a city street or public right-of-way, a licensed professional engineer shall declare to the city, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.

- D. **Right to Inspect:** Nothing in this section shall abridge the city's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.

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-75 Zones

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Sutherlin Creek	50'	50'
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 2.6.240. 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:

- A. Types of animals allowed:
 - 1. One horse or bovine per acre; or
 - 2. One goat, llama, alpaca, sheep per half acre.
 - 3. A minimum of 500 square feet of area shall be required for each chicken, other fowl, or rabbit on the property.
 - 4. The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet and shall be located no closer than 50 feet from any property line.
- B. **Containment:** Animals subject to this section shall be effectively contained by fencing, coop, hutch, or other means to prevent them from violating the provisions of section 6.04.030 of Sutherlin Municipal Code, pertaining to animals at large.
- C. **Nuisances:** Animals subject to this section shall not violate the provisions of section 6.04.040 of Sutherlin Municipal Code pertaining to nuisance noise nor section 8.16.040E pertaining to nuisance odor.
- D. **Violation:** Violation of the provisions of this section shall be subject to enforcement and penalties prescribed under section 1.4 of the Sutherlin Development Code.

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~~

Section 2 - Zoning Districts

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

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 3.1

DESIGN STANDARDS ADMINISTRATION

3.1.100 Applicability. All development in the city must comply with the provisions of Chapter 3, Design Standards. Development projects requiring land division, conditional use permit, and/or site design review approval require detailed findings demonstrating compliance with each section of chapter 3, as applicable. For smaller, less complex projects, fewer code provisions may apply and detailed findings may not be required where no discretionary land use or development permit decision is made.

Section 3.2

ACCESS AND CIRCULATION

3.2.100 Purpose. The purpose of this chapter is to ensure that developments provide safe, efficient and functional access and circulation, for pedestrians and vehicles. Section 3.2.110 provides standards for vehicular access and circulation. Section 3.2.120 provides standards for pedestrian access and circulation. Standards for transportation infrastructure improvements within the public right-of-way are provided in section 3.5.

3.2.110 Vehicular Access and Circulation.

A. Intent and Purpose.

1. The intent of this section is to manage vehicle access to development through a connected street system with shared driveways, where practicable, and circulation systems that allow multiple transportation modes and technology, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways [See Transportation System Plan adopted ~~November 2006 and amended in April 2009~~ June, 2020]. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This section balances the right of reasonable access to private property with the right of the public to safe and efficient travel.

2. To achieve this policy intent, county and local roadways have been categorized in the comprehensive plan by function and classified for access purposes based upon their level of importance and function. (See section 3.5, Infrastructure Standards) Regulations apply to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. The regulations are also intended to protect the substantial public investment in the transportation system, facilitate economic development, and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned development, such as developments that generate more traffic than assumed in the Transportation System Plan, or the subdivision of land designated for agricultural use in the Comprehensive Plan.
- B. Applicability.** This section applies to all public roads, streets, and alleys within the city and to all properties abutting them.
- C. Access Permit Required.** Access to a public street requires an access permit in accordance with the following procedures:
1. Permits for access to City streets shall be subject to review and approval by city staff based on the standards contained in this section, and the provisions of section 3.5, Infrastructure Standards. Access permit applications are available at Sutherlin City Hall.
 2. Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT) except when ODOT has delegated this responsibility to the city. The city will coordinate with ODOT on such permits as necessary.
 3. Permits for access to county highways shall be subject to review and approval by Douglas County. The city will coordinate with the county on such permits as necessary.
- D. Traffic Study Requirements.** The city or other agency with access jurisdiction may require a traffic study prepared by a traffic engineer to determine access, circulation and other transportation requirements including identification of projects needed to implement the Transportation System Plan or other projects needed to mitigate for traffic impacts resulting from development that exceeds assumptions from the Transportation System Plan. (See also, section 3.5, Infrastructure.)
- E. Conditions of Approval.** The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe, functional, and efficient operation of the street and highway system.

- F. Backing Movement.** Vehicle access to and from off-street parking areas, except for access to and from residential developments with one (1) or two (2) dwellings, shall not involve backing onto a public street.
- G. Access Standards and Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten (10) feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by the city as a condition of approval.
1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
 2. Option 2. Access is from a private street or driveway developed to city standards and connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A joint maintenance agreement and reciprocal access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. The city may approve a private street under this option by a planned unit development (PUD), provided that public funds shall not be used to construct or maintain a private road, street, or drive. The city may require a public access easement as needed for emergency response access or refuse access.
 3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access if the site abuts an arterial or collector street. Street accesses shall comply with the access spacing standards in subsection I, below.
 4. Subdivisions Fronting Onto an Arterial Street. Subdivision lots fronting onto an arterial street shall not receive access onto the arterial street, except when alternate access (i.e., alleys or secondary streets) cannot be provided due to topographic or other physical constraints. In such cases, the city may require that access be provided by consolidating driveways for clusters of two (2) or more lots or for multiple buildings on a lot (e.g., includes flag lots and mid-block lanes).

5. Double-Frontage Lots. When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. A second access may be permitted only as necessary to accommodate projected traffic volumes. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When a fence or wall is built adjacent to the street in this case, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).
 6. Important Cross-References to Other Code Sections. Section 3.6 requires that buildings be placed at or near the front property line in some zones, and driveways and parking areas be oriented to the side or rear yard for multiple family and commercial uses. Section 3.5.110 contains private street standards.
- H. New Street.** The city may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when access cannot otherwise be provided from an existing street, in conformance with city standards. The city considers the development impact in considering whether a new street is needed. See also, section 3.5, Infrastructure Standards.
- I. Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
1. Local Streets. A minimum of twenty-five (25) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials).
 2. Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the city's transportation system plan.
 3. Special Provisions for All Streets. Direct street access may be restricted for some land use types. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the city, county or ODOT for the purpose of protecting the function, safety and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.
- J. Number of Access Points.** For single-family (detached and attached),

two (2) family, and three (3) family housing types, one (1) street access point is permitted per lot; except that two (2) access points may be permitted for two (2) family and three (3) family housing on corner lots (i.e., no more than one (1) access per street), subject to the access spacing standards in subsection I, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with section K, below, in order to maintain the required access spacing, and minimize the number of access points.

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).

L. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter, measured along the property/right-of-way line, shall not exceed:
 - a. Residential Zoning. Six hundred (600) feet length and one thousand eight hundred (1,800) feet perimeter unless the previous adjacent layout or topographical conditions justify a variation;
 - b. C-1 Zoning. Four hundred (400) feet length and one thousand four hundred (1,400) feet perimeter;
 - c. C-3 Zoning. Six hundred (600) feet length only.
 - d. Industrial Zoning. No Standard.

Street Connectivity and Formation of Blocks

Standard Blocks



Exceptions

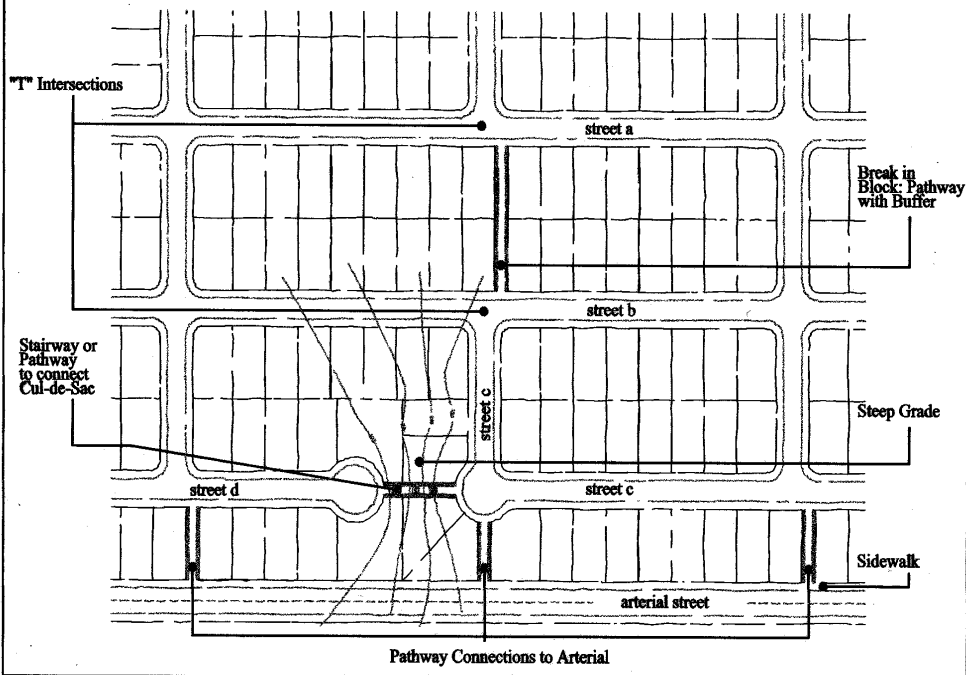


Figure 3.2.110L Street Connectivity and Formation of Blocks

2. Exception. Exceptions to standards in subsection L1 may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of section 3.2.120.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.
- 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 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:
1. Single family, two (2) family, and three (3) family uses shall have a minimum driveway width of ten (10) feet, and a maximum width of twenty-four (24) feet, except that one (1) recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than seven thousand (7,000) square feet of area.
 2. Multiple family uses with between four (4) and seven (7) dwelling units shall have a minimum driveway width of twenty (20) feet, and a maximum width of twenty-four (24) feet.
 3. Multiple family uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more parking spaces, shall have a minimum driveway width of twenty-four (24) feet, and a maximum width of thirty (30) feet. These dimensions may be increased if the City determines that more than two (2) lanes are required based on the number of trips generated or the need for turning lanes.
 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 3.4.
 5. Driveway aprons (when required) shall be constructed of concrete to city standards and shall be installed between the street and the driveway or private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three (3) feet in width, with a cross slope not exceeding two (2) percent.

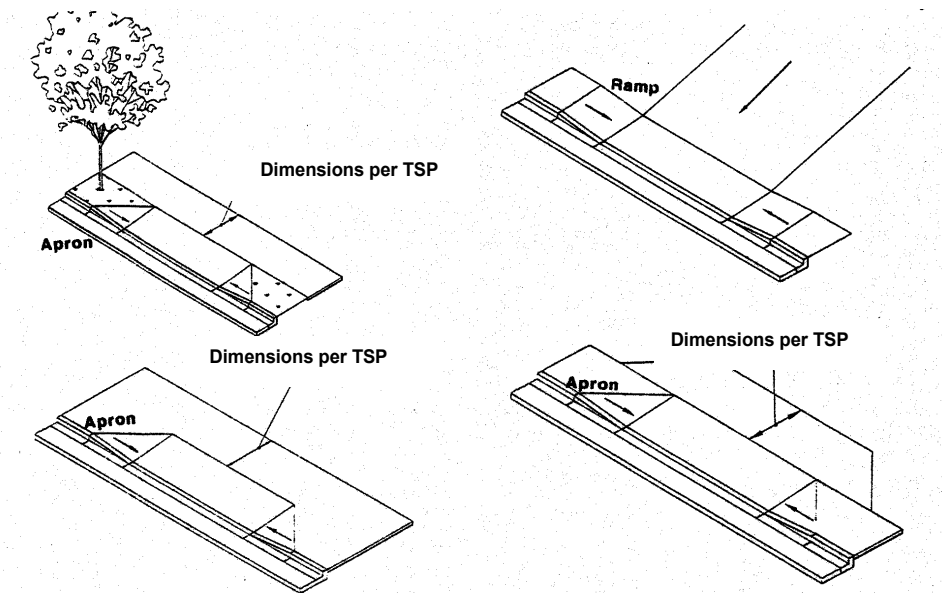


Figure 3.2.110M Driveway Openings

- N. **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty (150) feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.
- O. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.
- P. **Vision Clearance.** No signs, structures or vegetation in excess of three (3) feet in height shall be placed in “vision clearance areas”, as shown in figure 3.2.110P. The minimum required vision clearance area may be increased by the city upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

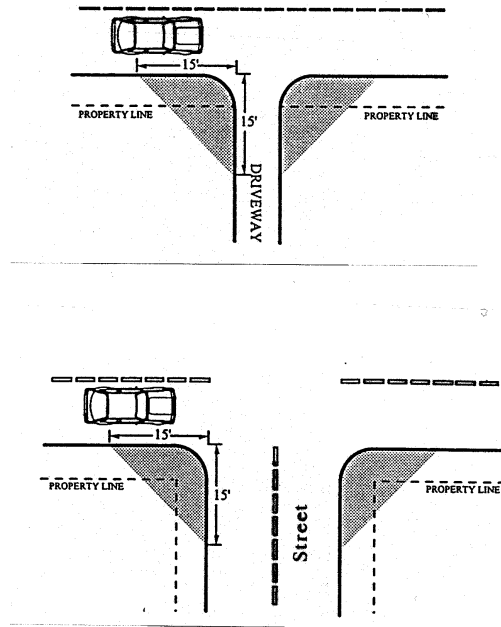


Figure 3.2.110P - Vision Clearance Areas

- Q. Flag Lots.** Flag lots may be created where the configuration of a parcel does not allow for standard width lots. A flag pole access drive may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots. A drive serving more than one lot shall conform to the standards in subsections 1-4 below:

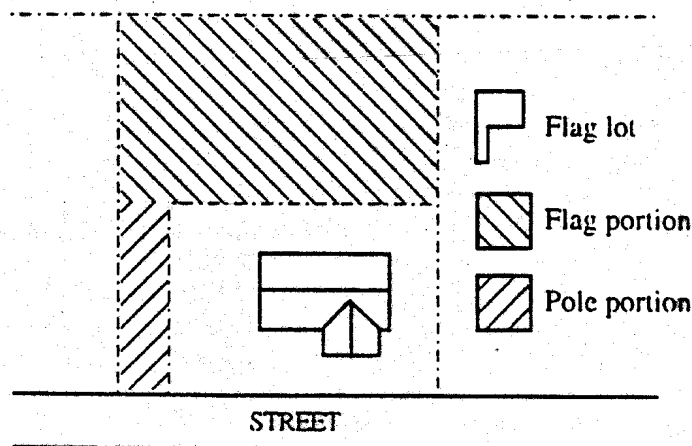


Figure 3.2.110(Q) – Flag Lot (Typical)

1. 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;
2. Easement. Where more than one (1) lot is to receive access from a flag pole drive, 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;
3. 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
4. Area Calculation. The flag pole portion of a lot shall not be counted for the purpose of meeting lot area requirements or determining setbacks.

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

1. Surface Options. Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing; alternatively, a durable non-paving material such as pavers, or other materials approved by the city may be used to reduce surface water runoff and protect water quality.
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. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be constructed to city standards and paved with concrete surfacing. See subsection M, above.

3.2.120 Pedestrian Access and Circulation.

- A. Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles, and may also be designed to accommodate personal electronic vehicles such as golf carts or scooters.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

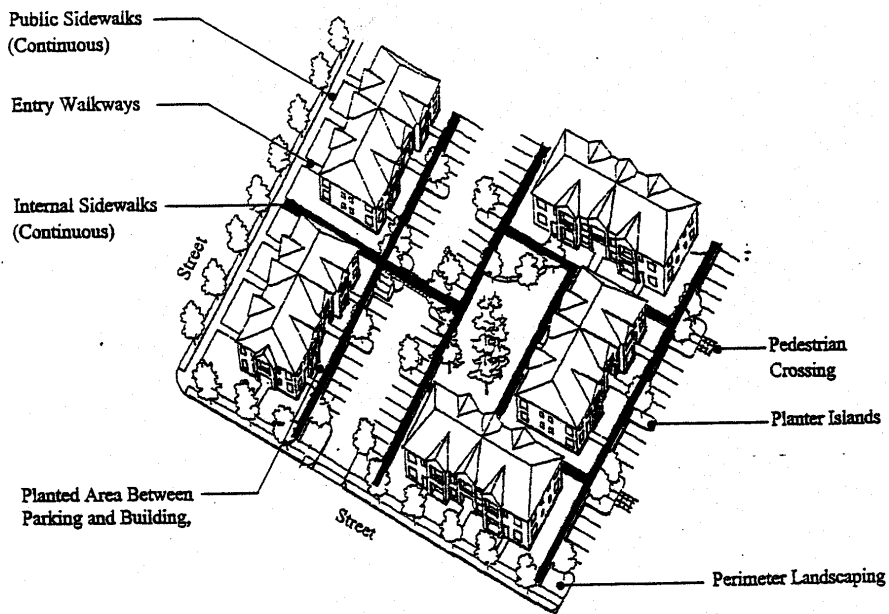


Figure 3.2.120A - Pedestrian Pathway System (Multifamily Development Example)

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.2.110 - Vehicular Access and Circulation, and Section 3.5, Infrastructure.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. “Reasonably direct” means route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users. Multi-use pathways may be designed with curves to minimize bicycle speed.
 - b. “Safe and convenient” means bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public

- entrance exists, street connections shall be provided to the main employee entrance.
- d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one (1) dwelling.
- 3. Connections within Development. For all developments subject to site plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
 - 4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by section 3.2.110. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
 - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than ten (10) feet wide and located within a twenty (20) foot wide right-of-way or easement that allows access for emergency vehicles;
 - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
 - c. Stairs or switchback pathways using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
 - d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
 - e. The hearings body or city planner may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this code prohibit the pathway connection.
- B. Design and Construction.** Pathways shall conform to all of the standards in subsections 1-5 below:

Section 3 – Design Standards

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a five (5) foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised pathway is used, the ends of the raised portions must be equipped with curb ramps.
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 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six (6) feet wide, and shall conform to Americans With Disabilities Act (ADA) requirements. Multi-use pathways (i.e., for bicycles and pedestrians) shall be the same materials, at least ten (10) feet wide. Multi-use pathways meeting these standards shall be provided wherever such pathways are indicated in the transportation system plan, parks master plan, or comprehensive plan. Such multi-use pathways shall be provided within a minimum twenty (20) foot wide public access easement or dedicated right-of-way. (See also, section 3.5 Infrastructure Standards.)
5. Accessible routes. Pathways shall comply with the ADA, which requires accessible routes of travel.

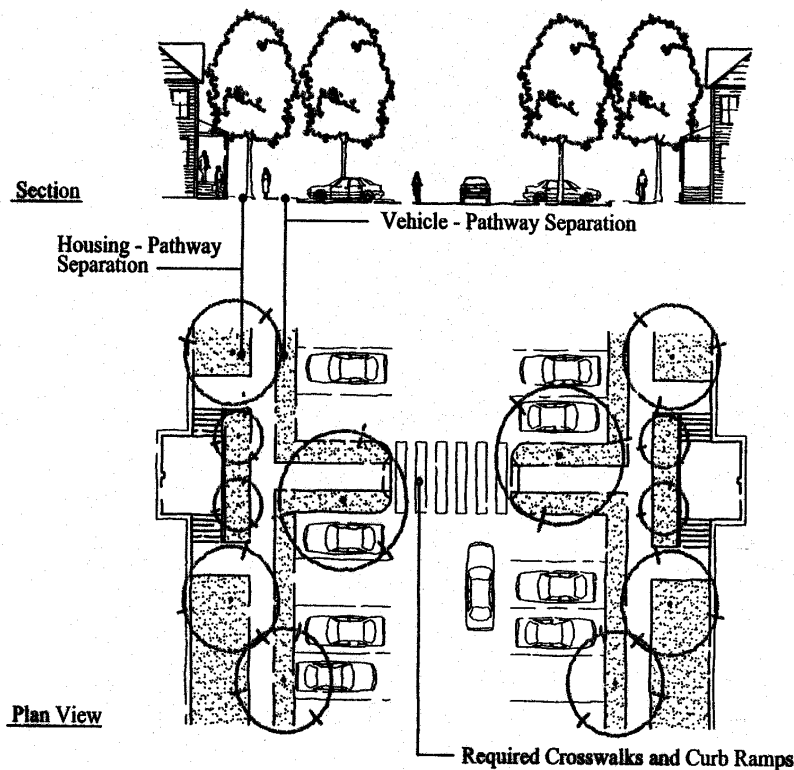


Figure 3.2.120B - Pathway Standards (Typical)

Section 3.3

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

3.3.100 Purpose. The section is intended to promote community health, safety and welfare by setting development standards and incentives for improving the appearance of the community through parking area landscapes, including street trees, landscape protection/credit and fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees and landscaping provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic and improve water quality by reducing water temperature, erosion and sedimentation. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. The chapter is organized into the following sections:

- A. **Section 3.3.110 – Parking Area Landscaping and Buffering.** The design of parking area landscaping shall be a requirement and responsibility of the developer for every new development and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
- B. **Section 3.3.120 – Landscape Credit/Preservation.** Provides a system of landscape credits available to property owners and developers to preserve existing trees and incorporate these trees into the landscape system.
- C. **Section 3.3.130 - Street Trees.** Identifies approved and prohibited street trees.
- D. **Section 3.3.140 - Fences and Walls.** Sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.3.110 Parking Area Landscaping and Buffering. This section shall apply to all developments requiring site plan review approval and all parking and maneuvering areas.

- A. **Application.** Parking area landscaping and buffering standards shall apply to all public and private outdoor parking areas that provide for 4 or more spaces or to any paved vehicular use area 3000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use. Parking area landscaping requirements are limited to 10% of the gross land area.
- B. **Exemptions.** The parking area landscaping and buffering standards shall be exempt for building additions which increase the size of an existing building by less than 20% of the gross floor area. In addition, any paved vehicular area which provides fewer than 10 spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements unless the use abuts an R-1 property.
- C. **Specifications for Trees and Plant Materials.**
 - 1. Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum 1½ inch caliper measured 6 inches above ground, balled and burlapped.
 - 2. Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of 6 feet in height above ground, balled and burlapped.
 - 3. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least 1 to 5 gallon size.
 - 4. Living Ground Covers. Living ground covers shall be fully rooted and shall be well branched or leafed.
 - 5. Other Ground Covers. Other ground covers shall consist of a decorative treatment of bark, rock, or other attractive ground cover.

6. Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall be 100% coverage and weed free.
- D. **Parking Area Buffering.** Parking areas shall be buffered from the required areas listed below with a 5 foot wide strip of landscaping materials beginning at the property line.
 1. Required Buffer Areas. The parking area shall be buffered from the following areas:
 - a. Street frontage. The parking area shall be buffered from adjacent lineal street frontage, exclusive of driveways, entrances, and exits, with the designated landscaping strip.
 - b. Interior Lot Lines. The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required, the screening area shall be incorporated into the landscaping strip. This requirement shall not in any way prohibit joint access driveways between two or more adjacent parking areas.
 2. Buffer Area Landscaping Standards. Minimum landscaping acceptable per 50 lineal feet of required buffer area is as follows:
 - a. One tree at least 6 feet in height. The tree shall be selected from the street tree list (See section 3.3.130 (D) (E)) in order to avoid root damage to pavement and utilities.
 - b. 5 five-gallon or 8 one-gallon shrubs.
 - c. The remaining area shall be treated with living ground cover, lawn, or other ground cover.
- E. **Interior Parking Area Landscaping.** Minimum area required to be landscaped within a parking lot shall be no less than five percent (5%) of the total area within the paved parking and maneuvering area or at a ratio of one landscape planter per 10 parking spaces, whichever is greater. Area landscaped to meet minimum interior parking area landscaping requirements shall be located within the paved parking lot area, not in adjacent buffer or screening areas. This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot. Trees and landscaping shall be installed as follows:
 1. Each 160 square feet of required interior parking area landscaping shall contain 1 tree at least 6 feet high. At least 2 shrubs shall be placed for every 100 square feet of interior parking lot landscaping. The remaining planter area shall be treated with ground cover.
 2. The tree species may be selected from the street tree list (See section 3.3.130) to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.
 3. Planters shall be surrounded by a perimeter curb not less than 4 inches high.

4. The tree shall be planted in a landscaped area such that the tree trunk is at least 2 feet from any curb or paved area.
- F. **Prohibited Trees.** Trees listed in Section 3.3.130 (D) and (E) are prohibited for use as street trees as their roots cause damage to sewers, pavements, and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.
- G. **Irrigation of Required Landscaping.** All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from the city engineer.
- H. **Landscape Plan Submittal Requirements.** A landscape plan, drawn to scale, must accompany site plan review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this code:
 1. Type of landscaping, fencing, or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.
 2. Location and size of landscaped areas on the development site.
 3. Abutting land uses and/or zones.
 4. If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (See section 3.3.120) below for information on landscape area credit for the preservation of existing trees).
 5. Plan for underground irrigation system.
- I. **Performance Guarantees.** Certificates of occupancy may be issued prior to the complete installation of all required landscaping if a signed bid contract equal to 100% of the cost of plant materials and labor is submitted to the planning director. In addition, the applicant will be required to sign a standard development agreement to ensure such landscape installation within nine months of occupancy permit issuance.
- J. **Clear Vision.** All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Section 3.2.110 (P).
- K. **Maintenance of Landscaped Areas.** It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

3.3.120 Landscape Area Credit/Preservation. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.

- A. **Criteria for Landscape Credit.** Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the planning director:
 - 1. A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit.
 - 2. A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the outermost branches to the trunk of the tree. Trees preserved for landscape credit shall not have construction or grading occur within the drip line.
 - 3. A plan for future maintenance of the tree(s).
- B. **Landscape Credit System.** The planning director shall grant landscape credit based on the total area of the preserved tree drip line or the number of required interior parking area planters. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. As an alternative to this crediting method, the planning director may reduce the number of required interior parking area planters by 1 for each preserved tree on the development site. In order to secure credit for either method, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the planning director.
- C. **Limits to Landscape Area Credit.** Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping. Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to section 3.3.110(E). Landscape credit shall not be granted for trees preserved within a required riparian habitat protection area.

3.3.130 Street Trees. Street trees shall be provided for all developments that are subject to land division or site plan review. The city may count preserved significant trees adjacent to streets toward street tree requirements. Requirements for street tree planting strips are provided in section 3.5 Infrastructure Standards. Street trees planted within the street buffer, within sidewalks or adjacent to sidewalks shall conform to the following lists:

- A. **Approved Street Trees.** The following tree species are recommended for use as street trees or trees planted within five feet of a public sidewalk or street:
 - 1. Small Trees. Small or narrow stature trees (under 25 feet, less than 20 feet wide) may be spread at any interval 20 feet apart or greater. Sidewalk cuts shall be a minimum of 4'x4'.
 - a. Acer Ginnala Flame – Flame Maple

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- b. Cornus Florida – Flowering Dogwood
 - c. Pyrus Calleryana – Aristocrat – Aristocrat Pear
 - d. Pyrus Calleryana Glens Form – Chanticleer Flowering Pear
 - e. Prunus Sargentii “Columnaris” – Sergeant Columnar Cherry
 - f. Cercis Canadensis – Eastern Redbud
2. Medium Trees. Medium sized tree (25-40 feet tall, 16-35 feet wide) may be spread at any interval 30 feet apart or greater. Sidewalk cuts shall be a minimum of 5’x5’.
- a. Acer Platanoides – “Crimson King” – Crimson King Maple
 - b. Prunus serrulata – “Kwanzan” – Kwanzan Cherry
 - c. Cercis Canadensis – Eastern Redbud
 - d. Acer Rubrum “October Glory” – October Glory Maple
 - e. Pyrus calleryana “Redspire” – Redspire Pear
 - f. Nyssa Sylvatica – Black Tupelo
 - g. Prunus Subhirtella “Autumnalis Rosea” – Autumn Flowering Cherry
3. Large Trees. Large trees (over 40 feet, more than 35 feet wide) may be spaced at any interval 40 feet or greater. Large trees may only be planted within sidewalks that are a minimum of 12 feet in width and the sidewalk cuts shall be a minimum of 6’x6’.
- a. Acer Rubrum “Armstrong” – Armstrong Maple
 - b. Acer Rubrum “Franksred” – Red Sunset Maple
 - c. Fraxinus Oxycarpa “Raywood” – Raywood Ash
 - d. Tilia Cordata – “Greenspire” – Greenspire Linden
 - e. Acer Saccharum “Green Mountain” – Sugar Maple
 - f. Fraxinus Americana “Junginger” – Autumn Purple Ash
 - g. Quercus Palustris – Pin Oak
 - h. Liriodendron Tulipifera – Tulip Tree
 - i. Fraxinus Pennsylvanica “Marshall” – Marshall Ash
4. Trees Allowable Under Power Lines - Small Trees. Small or narrow trees (under 25 feet, less than 20 feet wide) may be spread at any interval 20 feet apart or greater. Sidewalk cuts shall be a minimum of 4’x4’.
- a. Cercis Canadensis – Eastern Redbud
 - b. Acer Ginnala – Flame Maple
 - c. Cornus Kousa – Kousa Dogwood
 - d. Prunus Cerasifera “Thundercloud” – Thundercloud Plum
- B. Prohibited Trees** – The following tree species are prohibited from use as street trees or within 25 feet of a sidewalk or street right-of-way as their roots cause damage to sewers, pavement and sidewalks:
- 1. Salix spp - Willows
 - 2. Populus spp – Cottonwoods/Poplars
 - 3. Acer macrophyllum – Big Leaf Maple
- C. Not Recommended Street Trees** – Tree species not recommended for use as street trees or near public facilities. However, these tree species may be

planted if the identified issues are satisfactorily addressed, accepted by the owner and identified on the site plan. Trees may be acceptable under certain conditions.

1. Acer Negundo – Box Elder
2. Ailanthus – Tree of Heaven; invasive roots
3. Albizzia julibrissi – Silk Tree; litter, aggressive roots
4. Alnus rubra – Red Alder; short lived, brittle, favorite of tent caterpillars.
5. Betula spp – Birches; aphids, low branching, invasive roots.
6. Catalpa – invasive roots, short lived, litter.
7. Crataegus spp – Hawthorns; insect and disease prone, aphids.
8. Platanus spp – Sycamore, London Plane; invasive vigorous root system, anthracnose disease.
9. Robinia Pseudoalacia – black locust; brittle, aggressive roots, thorny.
10. Sorbus Ausuparia –Mountain Ash; fruit may be a sidewalk hazard.
11. Ulmus spp – Elms; elm leaf beetle, dutch elm disease, invasive roots.
12. Liquidambar Styraciflua – Sweet Gum; invasive root system.
13. Fruit trees, Nut trees and all conifers.

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

- A. **General Requirements.** All fences and walls shall comply with the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with section 4.5, Conditional Use Permits or section 4.3, Development Review and Site Plan Review. Walls built for required landscape buffers shall comply with section 3.3.120.
- 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~~.
- C. **Prohibited Materials.** Barbed wire, razor wire, and similar armor-type fences are prohibited, except when specifically required as a condition of approval through site plan review or conditional use permit approval.

- D. Maintenance.** For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

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

- A. General Requirements.** All fences and walls shall comply with the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with section 4.5, Conditional Use Permits or section 4.3, Development Review and Site Plan Review. Walls built for required landscape buffers shall comply with section 3.3.120.
- 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~~.
- C. Prohibited Materials.** Barbed wire, razor wire, and similar armor-type fences are prohibited, except when specifically required as a condition of approval through site plan review or conditional use permit approval.

Section 3.4

VEHICLE AND BICYCLE PARKING

3.4.100 Purpose. The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children, as well as adults, need safe and adequate spaces to park their bicycles throughout the community.

3.4.110 Applicability. All developments subject to site plan review (section 4.3), including development of parking facilities, shall comply with the provisions of this chapter.

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 parking”, as provided below in 3.4.120 B.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option	
Use	Parking Standard
Residential Uses	
Single family detached housing.	2 parking spaces per detached single family dwelling or manufactured home on an individual lot.
Two and three family housing <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. 1space/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.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Accessory dwelling.	1 space per unit
Commercial Uses	
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.
Chapels and mortuaries.	1 space per 4 fixed seats in the main chapel.
Hotels and motels.	1 space for each guest room, plus 1 space for the manager.
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.
Industrial Uses	
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.
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.
Public and Institutional Uses	
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.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
	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.
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.
<i>Unspecified Uses and Parking Demand Study Option</i>	
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

B. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed in the downtown commercial (C-1) zone. The following constitutes an on-street parking space:

1. Parallel parking, each twenty-four (24) feet of uninterrupted curb;
2. Forty-five (45) or sixty (60) degree diagonal, each with eighteen (18) feet of curb;
3. Ninety (90) degree (perpendicular) parking, each with ten (10) feet of curb;
4. Curb space must be connected to the lot which contains the use;
5. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and

6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, section 3.2, Access and Circulation).
2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within three hundred (300) feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. Mixed uses. If more than one (1) type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared parking. Required parking facilities for two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of section 3.7.

D. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more than thirty (30) percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots,

may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

- E. Parking Area Dimensions.** Minimum dimensions for parking spaces:
1. Motor vehicle parking spaces shall measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;
 2. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
 3. End spaces for motor vehicles shall provide a three (3) foot maneuvering area. (See figure 3.4.120E, below);
 4. Parking area layout shall conform to the dimensions in Figure 3.4.120E below;
 5. Parking areas shall conform to ADA standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to federal ADA guidelines; and
 6. Bicycle parking shall be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use.

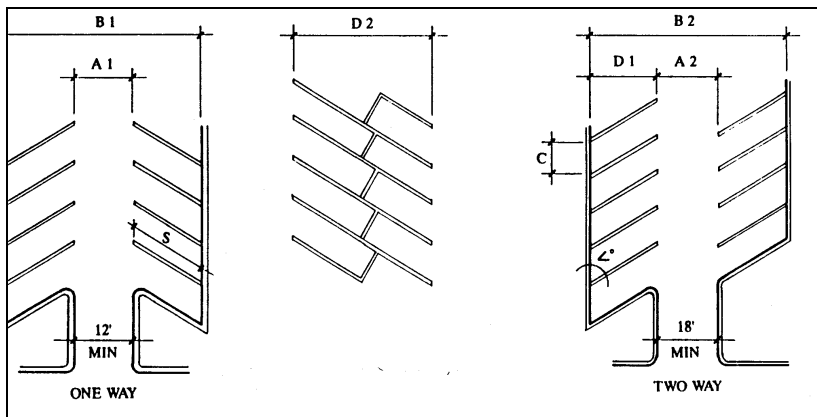


Figure 3.4.120E Parking Area Dimensions

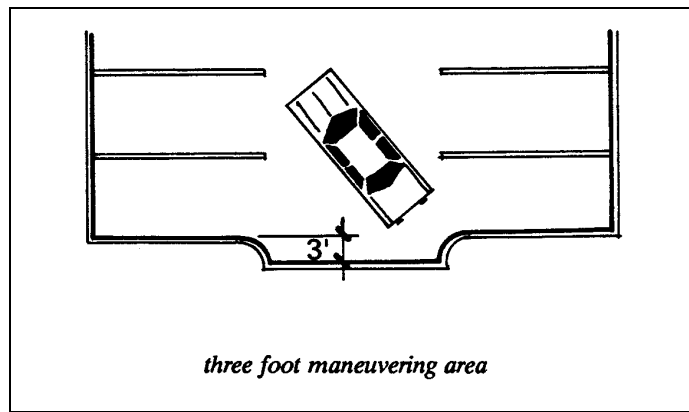


Figure 3.4.120E (Continued) Parking Area Dimensions

Table 3.4.120E: Parking Area Layout

Standard Space	PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

- F. Important cross-references.** See also, chapter 2, Zoning Districts; section 3.2, Access and Circulation; and section 3.3, Landscaping, Street Trees, Fences and Walls.

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:

1. 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.
 2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.
 3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every ten (10) students and employees. High schools provide one bicycle parking space for every five (5) students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 4. Colleges and Trade Schools. Colleges and trade schools provide one bicycle parking space for every ten (10) motor vehicle spaces plus one (1) space for every dormitory unit. Fifty (50) percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 5. Downtown Commercial (C-1) Zone. Within the C-1 zone, bicycle parking for customers shall be provided along the street at a rate of at least one (1) space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least thirty-six (36) inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) should be provided at a rate of one space per ten (10) employees, with a minimum of one (1) space per store. Bicycle rack design shall be subject to review and approval by the city engineer.
 6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.
- B. Exemptions.** This section does not apply to single family, two (2) family, and three (3) family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten (10) vehicle parking spaces.

- C. **Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one (1) building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.
- D. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. **Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall located so as to not conflict with vision clearance standards (section 3.2 Access and Circulation).

Section 3.5

INFRASTRUCTURE STANDARDS

3.5.100 Purpose and Applicability.

- A. **Purpose.** This section provides planning and design standards for transportation, sewer, water, and storm drainage infrastructure.
- B. **When Standards Apply.** All development shall be served with adequate infrastructure including transportation, sewer, water, and storm drainage, in conformance with this section and consistent with the city's engineering design criteria.
- C. **Standard Specifications.** The city of Sutherlin general engineering requirements and standard specifications for street, storm drain, sewer, and waterline construction are incorporated in this code by reference.

- D Conditions of Development Approval.** No development may occur unless required public infrastructure is in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

3.5.110 Transportation Standards.

- A. Purpose.** The purpose of this section is to implement the Transportation System Plan (including the Interchange Area Management Plan, which was incorporated into the TSP in April 2009) and protect the investment of the City, the County, and ODOT in the public street system. Upon dedication of streets to the public, the City accepts maintenance responsibility for the street. Failure to meet City standards may place an undue maintenance burden on the public, which may be only marginally benefited by the street improvement. Variances to street standards must be evaluated in this context.
- B. Development Standards.** No development shall occur unless the development has frontage onto or approved access from a public street, in conformance with the provisions of section 3.2, Access and Circulation, and the following standards are met:
1. Private streets shall not be permitted, except as approved by a PUD. In approving a private street as part of a PUD, the city must find that construction of a public street is impracticable, and the street will be constructed to a standard that approximates the city standards for public streets, except as modified to address physical site constraints. The city shall not be responsible for maintaining or improving any private street.
 2. Streets within and/or adjacent to a development shall be improved in accordance with the comprehensive plan, transportation system plan and the provisions of this section, as determined by the city.
 3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or ODOT jurisdiction.
 4. New streets and private streets shall be paved.
 5. The city may accept a future improvement guarantee (e.g., owner signs and records a city approved agreement to participate in local improvement assessment) in lieu of street improvements if one (1) or more of the following conditions exist:
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - b. Due to the developed condition of adjacent properties it is

unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

- c. The improvement would be in conflict with an adopted capital improvement plan;
- d. Requiring the applicant to bear the full cost of improvement would exceed the rough-proportionality standard in section 3.5.100D; or
- e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat, or quit claim deed, provided that the street is deemed essential by the city for the purpose of implementing the comprehensive plan / transportation system plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the city and shall name "the public," as grantee.

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. Access 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.

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E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the transportation system plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

- 1. Street grades shall be approved by the city, in accordance with the design standards in subsection N, below; and
- 2. Where the location of a street is not shown in an existing street plan (see subsection H), the location of streets in a development shall either:
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section; or

Section 3 – Design Standards

- b. Conform to a street plan adopted by the city council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

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 5.2.110 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.

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	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			
ARTERIAL AVENUE/STREET										
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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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			
COLLECTOR STREETS Residential:	1,500 to 5,000 ADT									
Parking Both Sides		58'-62'	32'-34'	10'	N/A		7' lanes	6"	7'-8'	5'-6'
Commercial:										
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
LOCAL RESIDENTIAL STREETS [4]	Less than 1,500 ADT									
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 ¹		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
ACCESSWAYS & MULTI-USE PATHS	NA	10'-18'	6'-12' paved width, 2'-4' strips on both sides	NA	NA	NA	none	none	none	None

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

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

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

⁴ 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.

⁵ See 3.2.110 (Q)

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

Figure -1. Two-Lane Arterial – Parking Both Sides

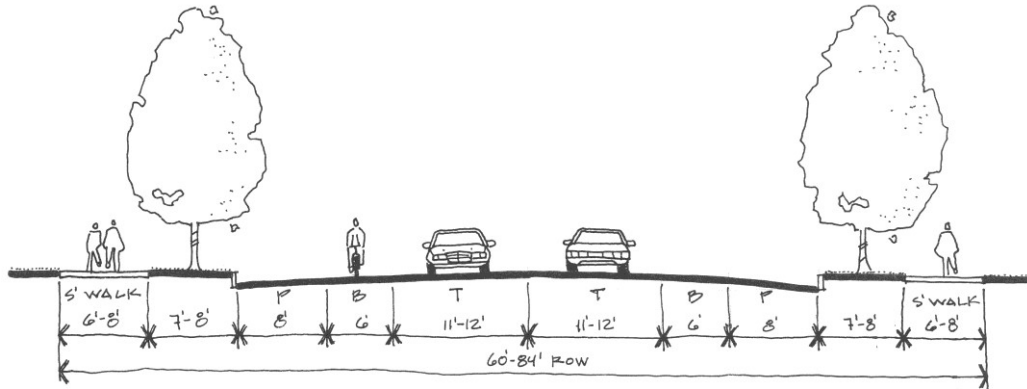
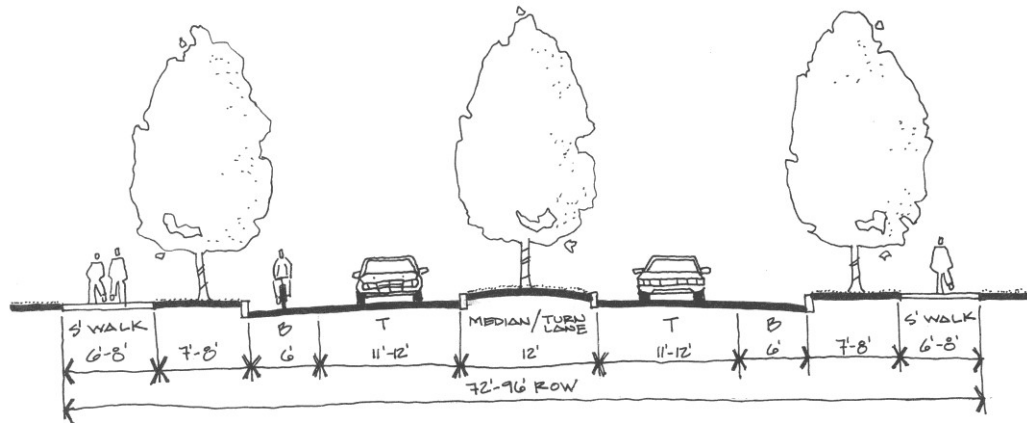


Figure -2. Three-Lane Arterial



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Figure -3. Five-Lane Arterial

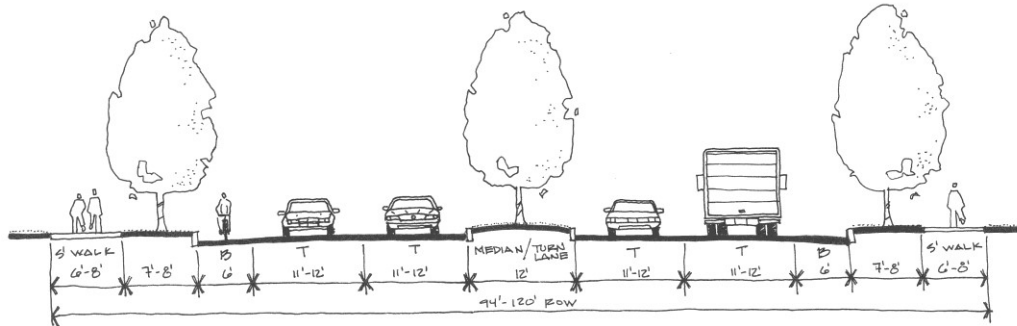


Figure -4. Parkway

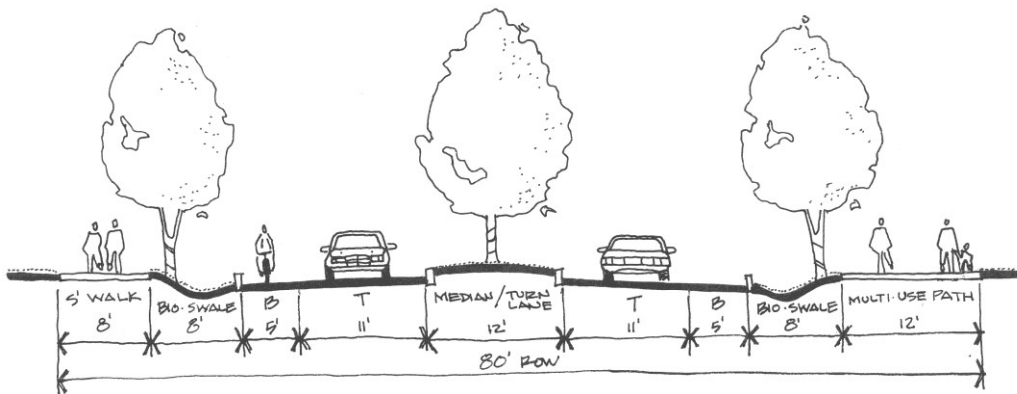


Figure -5. Three-Lane Collector – Parking Both Sides

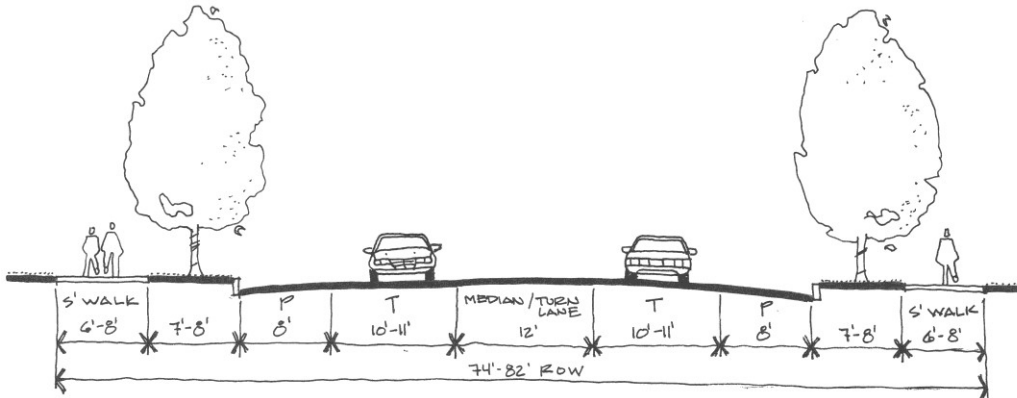


Figure -6. Commercial / Industrial Collector – Parking Both Sides

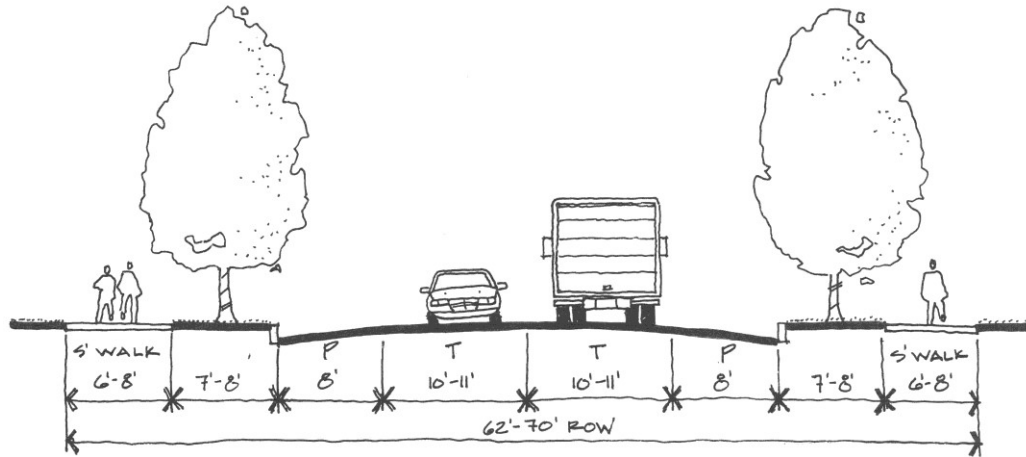


Figure -7. Commercial / Industrial Collector – Parking One Side

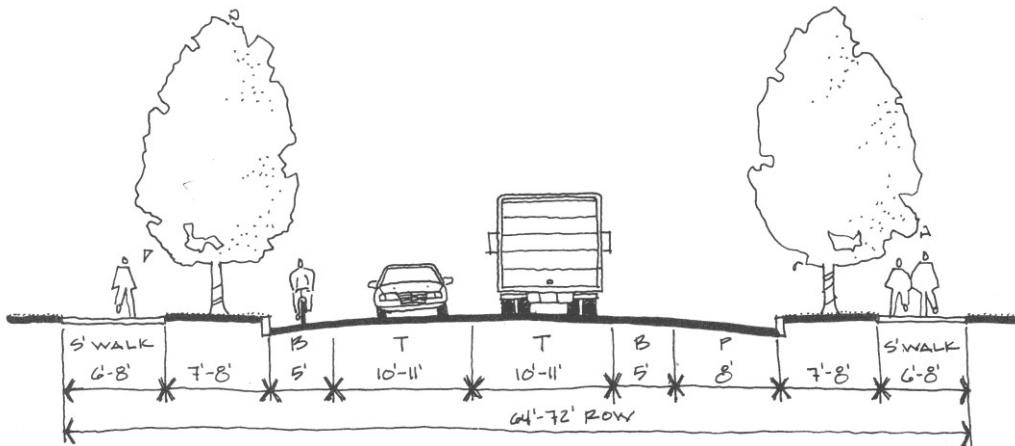


Figure -8. Commercial / Mixed-Use Collector – Parking Both Sides

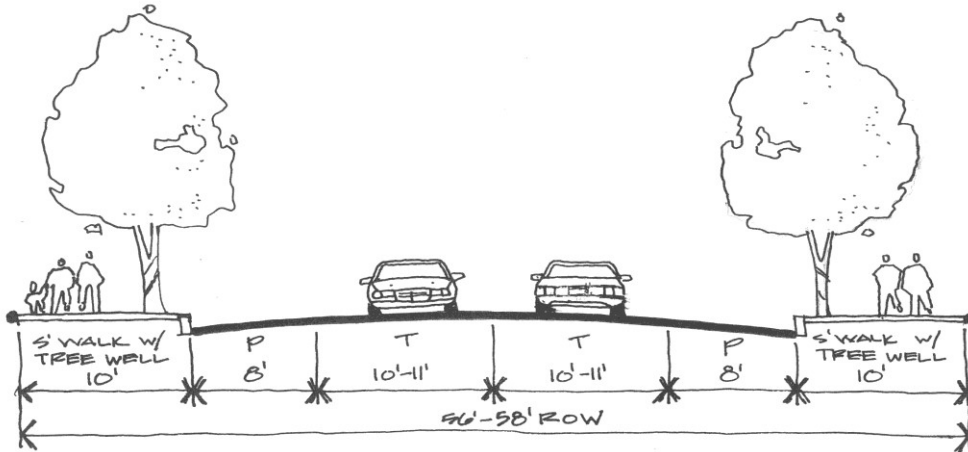


Figure -9. Residential Collector

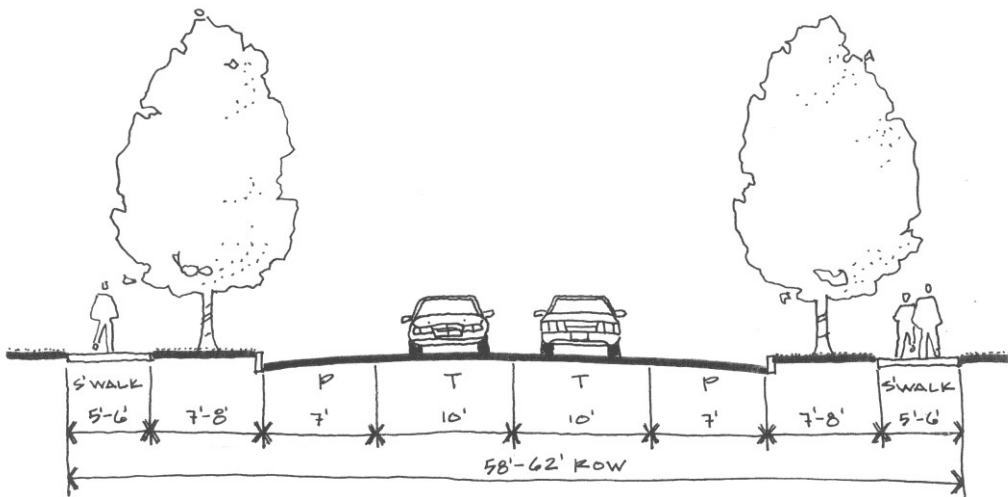


Figure -10. Local Residential Street – Parking One Side

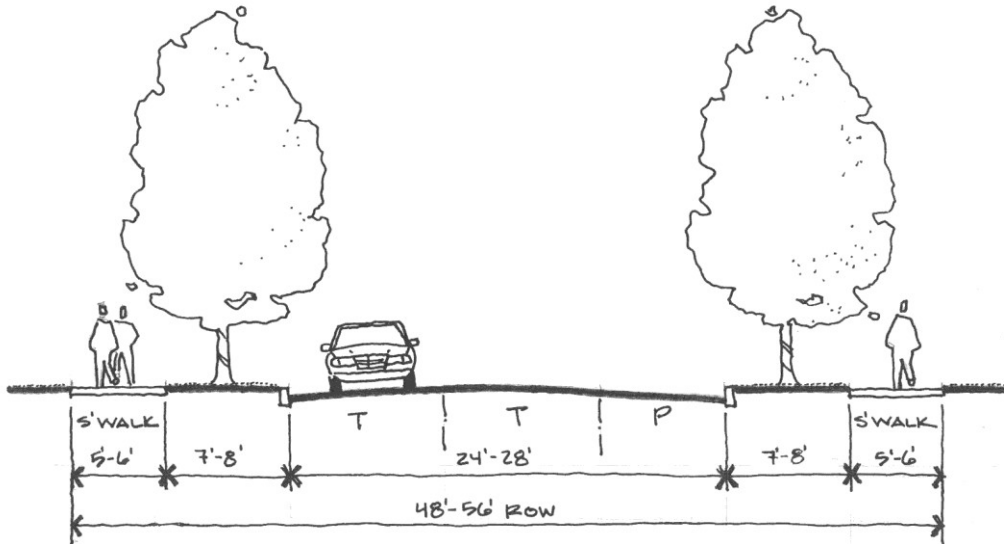
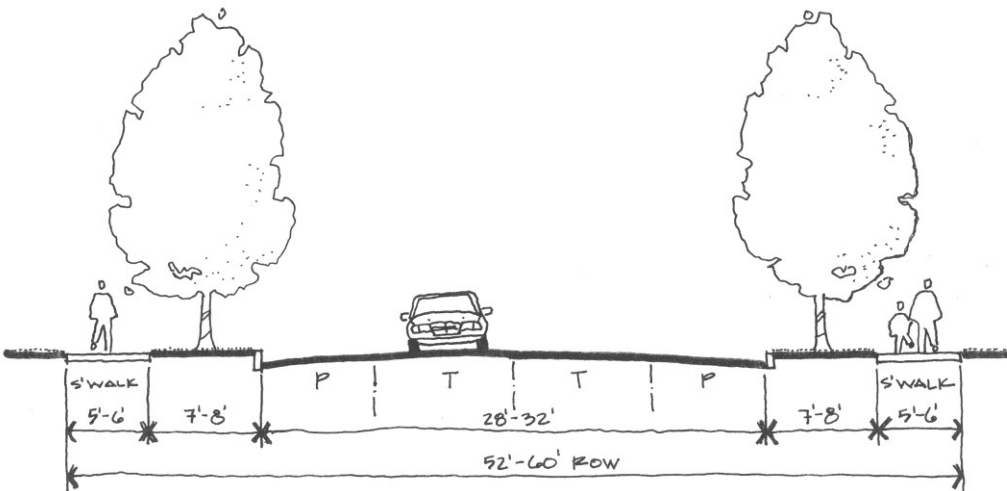


Figure -11. Local Residential Street– Parking Both Sides



- G. Traffic Signals.** Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the highway capacity manual, and manual of uniform traffic control devices. The location of traffic signals shall be noted on approved street plans. Where a proposed

street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's financial contribution (i.e., cost estimate and/or pro rata percentage of cost if shared among multiple parties) toward the required improvement and the timing of improvements shall be included as a condition of development approval.

H. Future Street Plan and Extension of Streets.

1. The City shall require the submittal of a future street plan in conjunction with an application for a subdivision or partition when the subject request could effect development of the city's future street system. The purpose of the future street plan is to facilitate orderly development of an interconnected street system, provide greater certainty to the city and neighboring property owners, and allow for future growth in conformance with the comprehensive plan and transportation system plan. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within six hundred (600) feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the city determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. Developers are encouraged to also install conduits for other utilities in coordination with those utilities. The point where the streets temporarily end shall conform to a-c, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A reflective barricade (e.g., fence, bollards, or similar vehicle barrier) shall be constructed at the end of the street by the partitioner or subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

I. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than three hundred (300) feet on such streets are created, as measured from the centerline of the intersecting streets.

Section 3 – Design Standards

2. Spacing between local street intersections shall have a minimum separation of one hundred twenty-five (125) feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. All local and collector streets that abut or stub to a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen (15) percent for a distance of two hundred fifty (250) feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in chapter 3.2, Access and Circulation. The maximum block length shall not exceed:
 - a. Residential districts – Six hundred (600) feet;
 - b. Commercial districts – Four hundred (400) feet;
 - c. Industrial districts - Not applicable.Exceptions to the standards in a-b may be granted when an access way is provided at or near mid-block, in conformance with the provisions of section 3.2.120A.

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.5.110F, applicable provisions of the transportation system plan, the comprehensive plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

K. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least twenty-five (25) feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 2. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle; and
 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty (20) feet.
- L. Existing Rights-of-Way.** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of partition, subdivision, or development, subject to the provision of section 3.5.100D.
- M. Cul-de-sacs.** A dead-end street shall be no more than four hundred (400) feet long, and shall only be used when open space (e.g., street ends at park or greenway), environmental, or topographical constraints; existing development patterns; or compliance with other standards in this code preclude street extension and through circulation. Such dead-end-street shall conform to all of the following standards:
1. The city may require a dead-end or cul-de-sac street to stub to the outer property line of the development when future street extension may be possible through redevelopment of an adjacent property (e.g., existing development on adjacent property could redevelop and allow extension in foreseeable future).
 2. All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular and hammer-head turnarounds shall be consistent with the requirements of the Oregon Uniform Fire Code, Section 503, Appendix D [Fire Apparatus Access Roads]; and
 3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
- N. Grades and Curves.** Grades shall not exceed ten (10) percent on arterials, twelve (12) percent on collector streets, or twelve (12) percent on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet) when approved by the city engineer, and:
1. Curb radii shall not be less than seven hundred (700) feet on arterials, five hundred (500) feet on major collectors, three hundred fifty (350) feet on minor collectors, or one hundred (100) feet on other streets; and
 2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging five percent or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.
- O. Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair and bicycle ramps, and driveway approaches

shall be constructed in accordance with standards specified in section 3.2 , Access and Circulation.

- P. **Streets Adjacent to Railroad Right-of-Way.** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by ODOT. The city will coordinate with ODOT on such requests.
- Q. **Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:
 1. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
 2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 3.2.110G;
 3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial;
 4. Other treatment suitable to meet the objectives of this subsection; or
 5. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with section 3.2.110.
- R. **Alleys, Public or Private.** Alleys shall conform to the standards in Table 3.5.100. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- S. **Private Streets.** Private streets shall not be permitted, except as approved by a PUD. In approving a private street as part of a PUD, the city must find that construction of a public street is impracticable, and the street will be constructed to a standard that approximates the city standards for public streets, except as modified to address physical site constraints. The city shall not be responsible for maintaining or improving any private street. Such streets shall not be used to avoid required connections with public streets or avoid compliance with maximum block length standards in section 3.2.110, Access and Circulation. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Table 3.5.100.
- T. **Street Names.** No street name shall be used that duplicates or could be confused with the names of existing streets in the vicinity of the city,

except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers. Street names shall conform to section 12.24, as amended, of the Sutherlin Municipal Code.

- U. **Filed Street Survey and Survey Monuments Required.** Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected and required street survey(s) have been filed.
- V. **Street Signs.** The city, county or county with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- W. **Mail Boxes.** Plans for mail boxes to be used shall be approved by the United States Postal Service.
- X. **Street Light Standards.** Street lights shall be installed in accordance with city standards.
- Y. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final city acceptance of the roadway.
 - 1. Sub-base and leveling course shall be of select crushed rock;
 - 2. Surface material shall be of Class C or B asphaltic concrete;
 - 3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
 - 4. No lift shall be less than one and one half (1 ½) inches in thickness.

3.5.120 Public Use Areas.

- A. **Dedication Requirements.**
 - 1. Where a proposed park, open space, playground, public facility, or other public use shown in a plan adopted by the city is located in whole or in part in a partition or subdivision, the city may require the dedication or reservation of this area on the final plat for the partition or subdivision.
 - 2. If determined by the planning commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the city does not indicate proposed public use areas, the city may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.
 - 3. All required dedications of public use areas shall conform to section 3.5.100D regarding conditions of approval and proportionality of exactions.

- B. **Acquisition by Public Agency.** If the developer is required to reserve land area for a park, playground, or other public use, the land shall be conveyed to a public agency or other entity approved by the city for management and maintenance within twelve (12) months of final plat approval, or the reservation shall be released to the property owner.
- 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 parks, water, sewer, or storm water, as applicable.

3.5.130 Sanitary Sewer and Water Service Improvements.

- A. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable comprehensive plan policies.
- B. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.
- C. **Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the comprehensive plan. The developer shall be entitled to system development charge credits for the over-sizing.
- D. **Permits Denied.** Development permits may be restricted by the city through moratoria, in conformance with ORS 197.505, where a deficiency exists in the existing water or sewer system that cannot be rectified by the development, and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of county or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.5.140 Storm Drainage.

- A. **General Provisions.** The city shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made.
- B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development, in conformance with the city's storm drainage master plans. Such facilities shall be subject to review and approval by the city engineer.
- C. **Effect on Downstream Drainage.** The effect on downstream drainage shall be evaluated in all project proposals, and all projects shall conform to the storm drainage master plan. Where it is anticipated by the city that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until

provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

- D. **Easements.** Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way provided for conveyance of storm water. The easement shall be subject to review and approval by the city engineer and shall include at a minimum the watercourse and such further width as will be adequate for conveyance and maintenance.
- E. **Certification of No Impact to Neighboring Property.** Developers shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after development will not increase as a result of the proposed development. The certification shall further state that the developer will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. The city may impose conditions of approval and/or require submittal of engineered plans that demonstrate there will be no impact to neighboring properties.

3.5.150 Utilities.

- A. **Underground Utilities.** Except where above-ground utility lines already exist, all new or relocated utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground. This requirement does not apply to surface mounted connection boxes and meter cabinets, temporary utility service facilities during construction, and high capacity electric lines operating at fifty thousand (50,000) volts or above. In order to facilitate underground placement of utilities as required by this section, the following additional standards apply to all new subdivisions:
 - 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (section 3.2);
 - 2. The city reserves the right to approve the location of all surface mounted facilities;
 - 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. **Easements.** Easements shall be provided for all underground utility facilities.
- C. **Exception to Under-Grounding Requirement.** Pursuant to a Type II process, an exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands

(section 3.6), or existing development conditions.

3.5.160 Easements. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, section 4.3 Development Review and Site Plan Review, and chapter 4.4 Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard minimum width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or city engineer.

3.5.170 Construction Plan Approval and Assurances. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee shall be set by city council. The city may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, section 4.3 Development Review and Site Plan Review, and section 4.4 Land Divisions and Lot Line Adjustments.

3.5.180 Installation.

- A. Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.
- B. Adopted Installation Standards.** The city's general engineering requirements and standard specifications and the Oregon Chapter A.P.W.A. standard specifications shall be a part of the city's adopted installation standard(s). Where conflict occurs, the A.P.W.A. standards shall prevail. Other standards may also be required upon recommendation of the city engineer.
- C. Commencement.** Work shall not begin until the city has been notified in advance.
- D. Resumption.** If work is discontinued for more than one (1) month, it shall not be resumed until the city is notified.
- E. Engineer's Certification and As-Built Plans.** A registered civil engineer (or as appropriate) licensed in Oregon shall provide written certification in a form required by the city that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) set(s) of "as-built" plans, in conformance with the city engineer's specifications, for permanent

filing with the city.

- F. City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to review and approval under section 4.7, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

Section 3.6 [RESERVED]

SECTION 3.7 SIGNS

3.7.100 Purpose. It is the purpose of this section to regulate signs in a manner which recognizes and balances the need for signs with the visual, aesthetic and safety concerns of the community. Such regulation shall include, but not be limited to the placement, number, height and size of signs.

3.7.110 Sign Definitions.

“Awning” means a temporary or removable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the support framework.

“Building face or wall” means all window and wall area of a building on one plane or elevation.

“Business frontage” means the lineal footage of a building or portion thereof, devoted to a specific business or enterprise.

“Change of face/copy” means an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure, excluding marquee, electronic message boards, menu boards, and approved changeable copy signs.

“Construction Sign” means a sign temporary in nature identifying an approved or permitted construction or development project as described in Section 3.7.270 (D).

“Facade, principal” means the side(s) of the building facing a street.

“Facade, secondary” means any side of a building not facing a street.

“Indirect illumination” means a source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

“Roof Sign” means any sign erected upon or extending above or over the eave or roof of any building or structure.

“Shopping Center or Business Complex” means a group of five or more commercial establishments having common parking facilities.

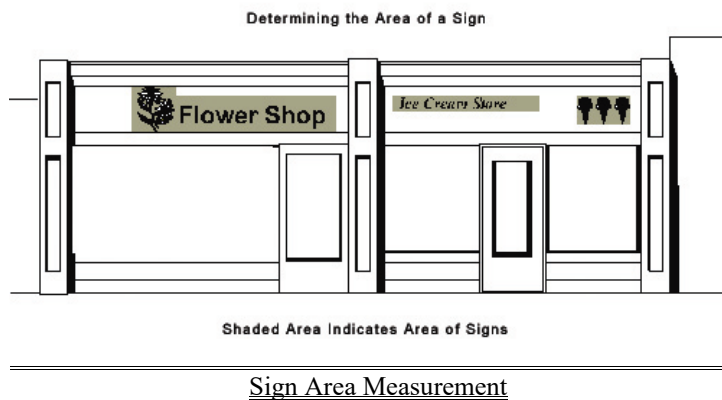
“Sign” any letter, figure, character, marquee, pictorial, picture, logo, trademark, reading matter, or illuminated service which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner so that it shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, article, machine, merchandise which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification of this code.

“Sign, abandoned” those signs and/or structures not used in conjunction with a business, event, or purpose for more than 90 days.

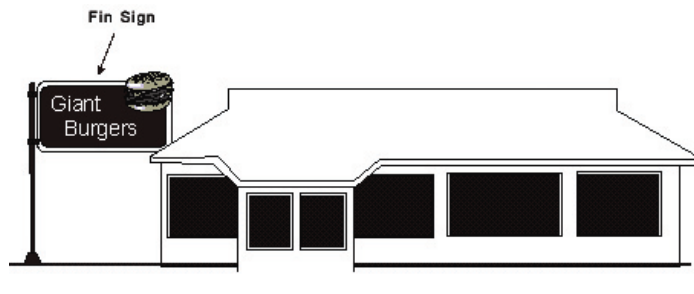
“Sign, alteration” means any change in the size, shape, method of illumination, position, location, material, construction, or supporting structure of a sign.

“Sign, area of” means:

1. The area of a ground or projecting sign shall be calculated by adding the outer dimensions of all the faces presenting a sign message. Pole covers, and columns shall not be included in the area of the measurement if they do not bear advertising copy. Double-faced signs will be calculated as one sign only when placed back to back and separated by no more than twenty-four inches.
2. The area of a wall sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message.



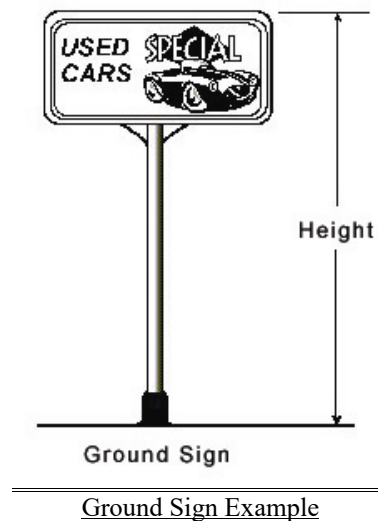
“Sign, fin” means a sign that is supported partly by a pole and partly by a building or structure.



Fin Sign Example

“**Sign, flashing**” means a sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition is not to include electronic message signs.

“**Sign, ground**” means a sign erected on a free-standing frame, mast, or pole and not attached to any building. Also known as a free-standing sign.



“**Sign, height of**” means the distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on or nearest public sidewalk or street curb, when such are adjoining the site, to the maximum height of the face of the sign.

“**Sign, nonconforming**” means an existing sign, lawful at the time of the enactment of this ordinance, which does not conform to the requirements of this code.

“**Sign, portable**” means any sign not permanently attached to the ground, a building, or other structure.

“**Sign, projecting**” means all signs other than wall signs, which are attached to and project from a structure or building face, at a ninety (90) degree angle.

“**Sign, structure**” means the supports, uprights, braces, framework and other structural components of the sign.

“**Sign, temporary**” means any sign, including supporting structure, to be maintained for a continuous period of less than thirty (30) days.

“Sign, wall” means any sign placed or painted directly against a building with the exposed face of the sign in a plane approximately parallel to the plane of said wall and projects outward from the wall not more than eighteen inches.

“Wall, graphic” means any mosaic, mural, painting, or graphic art technique applied, implanted or placed directly onto a wall and containing no copy, advertising/hallmark symbols, lettering or references to any product, service, or goods sold on or off the premises.

3.7.120 Terminology. Terms used to describe types of signs, such as "freeway sign", "shopping center sign", "construction sign", etc., do not pertain to the content of the sign message, but are intended to refer to the location of the sign or the type of use on the lot where the sign is permitted.

3.7.130 Permits Required; Violation. Except as otherwise provided in this chapter, it shall be unlawful for any person to construct, erect, alter or relocate a sign, or direct an employee or agent to do same within the city without first obtaining a permit for each separate sign from the planning department as required by this chapter.

3.7.140 Exceptions. The provisions of section 3.7 shall not apply to:

- A. Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes;
- B. Temporary decorations or displays celebrating a season or occasion;
- C. Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:
 - 1. Primary purpose of such vehicle or equipment is not the display of signs.
 - 2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment.
 - 3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.
 - 4. Vehicles and equipment are not used as static displays for more than two (2) days in any location, nor utilized as storage, shelter or distribution points.
 - 5. During periods of inactivity exceeding five workdays, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

- D. Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage;
- E. Signs not exceeding six (6) square feet in area and an overall height of four (4) feet in any residential zone;
- F. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter;
- G. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure;
- H. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts; and
- I. Except as otherwise addressed by this code for a specific zone, non-illuminated signs having an overall face area not exceeding 16 square feet in all zones, that are not permanently installed and are intended to be located on private property for short periods of time (not to exceed one year). Such signs may include, but are not limited to Real Estate lease and sale of the premises they are located, political signs, construction signs and garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity. No sign shall be extended into or extend over a street right-of-way.
- J. Anchored balloon and inflatable signs provided the balloon or sign is not permanent and is removed following the completion of the event and/or displayed no more than twice per calendar year for a total of 60 days.

3.7.150 Application. Application for a permit (Type I) shall be made to the city planner upon a form provided by the city and shall include two sets of drawings to scale, including the following information with regard to the signs:

- A. The written or graphic content;
- B. Location of the sign on the building or building site;
- C. Dimensions of the sign;
- D. Construction materials;
- E. Method of attachment and character of structural members to which attachment is to be made;
- F. Electrical wiring and components or U.L. approved number; and
- G. The building safety official may also require that a licensed engineer furnish information concerning structural design and proposed attachments.
- H. The information described in A.-G. of this section, for any existing signs on the premises.

3.7.160 Issuance of Permits.

- A. City personnel shall examine applications for permits. If it appears from the application, drawings, and specifications therewith that the requested sign(s) and all existing signs on the premises conform with all the

provisions of this chapter, a permit shall be issued. If signs met previous zoning standards they will be grandfathered as a pre-existing permitted use and can continue to have that sign even through it is not in compliance with the new code.

- B. No additional permits shall be issued for signs on businesses or uses with signs not already in compliance with this section, including overdue sign regulation fees or unpaid inspection charges.
- C. All signs, except for signs painted directly upon a building, are also subject to building department requirements.

3.7.170 Permit Fees. Fees shall be as provided in the City's fee schedule as adopted by the city council.

3.7.180 Indemnification of City. As a condition to the issuance of a sign permit as required by this chapter, all persons engaged in the hanging or painting of signs, which involves, in whole or in part, the erection, alteration, relocation, maintenance, or other sign work in, over, or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign hanger or painter in the said sign work, shall agree to hold harmless and indemnify the city, its officers, agents, and employees from liability for damages resulting from said erection, alteration, relocation, maintenance or other sign work.

3.7.190 Prohibited Signs for All Districts. The following signs are prohibited for all zoning districts:

- A. Signs on a truck, bus, car, boat, trailer, or other motorized vehicle and equipment are prohibited, except as provided in subsection 3.7.140C;
- B. No sign shall be permitted at the intersection of a street or driveway in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal, or device, or which makes use of a word, symbol or phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic;
- C. Animated, flashing, blinking, strobing, and traveling lights or any design created to give the illusion of motion are prohibited. This prohibition does not include electronic message signs;
- D. Moving or rotating signs are prohibited;
- E. Fin signs larger than nine (9) square feet are prohibited;
- F. Signs with sound devices;
- G. Portable signs, except that sandwich board type signs not exceeding twelve (12) square feet surface area (or twenty-four (24) square feet on two (2) sided sign) are allowed in the C-1 zone provided they do not conflict with clear vision and accessible route requirements; and
- H. Any sign not listed as a permitted sign within a zoning district is prohibited in that district, unless it is exempt under section 3.7.140.
- I. Any sign that does not comply with Oregon State Building Code requirements.

3.7.200 Abandoned Signs. Any abandoned sign and supporting structure shall be removed by the owner of the sign or owner of the premises within six (6) months following the date of abandonment; except that any owner of an abandoned sign which is otherwise in conformance with this chapter may apply to the city for an extension of the removal date (Type II review). If the city determines that the continued maintenance of the sign is consistent with the purpose of chapter 3.7 of this code, an extension of up to one (1) year may be granted.

- A. Once a sign has been identified as being abandoned (see definitions), the City can, at its discretion, allow the Sutherlin Chamber of Commerce to utilize the said abandoned sign for civic enhancement, with the permission of the property owner(s).

3.7.210 Certain Signs Declared A Nuisance. Any abandoned, dangerous, defective, illegal, or prohibited sign, or any sign which is not in accordance with the drawings, specifications and details of the permit application is hereby declared a nuisance and may be abated as prescribed in the Sutherlin Municipal Code. This is in addition to any other remedy provided by law or ordinance.

3.7.220 Signs in RH and R-1 Zoning Districts. Signs shall be permitted only as follows in the single-family residential zoning districts:

- A. **Undeveloped Subdivision/Planned Unit Development Signs.** Two non-illuminated ground signs, not exceeding fifty (50) square feet in area, and fourteen (14) feet in height and setback a minimum of twenty (20) feet from any property line are permitted within an undeveloped subdivision/planned unit development. Such signs may be installed on the undeveloped subdivision/planned unit development property after approval of the tentative plan by the planning commission. However, the sign must be removed no later than two (2) years after installation, unless the planning commission, upon due application prior to expiration of the (2) year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case an extension for an additional year may be granted;
- B. **Public/Institutional Use Signs.** Each lot occupied by public uses, schools, churches, or similar public/institutional uses is allowed a maximum of twenty (20) square feet of sign area per street frontage. The maximum area shall be a combination of wall and ground signs. If a ground sign, the sign shall not be located within fifteen (15) feet of any property line and shall not be internally illuminated. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision; and
- C. **Planned Unit Development Signs.** Two (2) non-illuminated ground signs, each sign not exceeding twenty (20) feet in area, and four (4) feet in height and setback a minimum of five (5) feet from any street right-of-way are permitted in a residential planned unit development. Such signs may

be installed after approval of the signs and the planned unit development by the planning commission.

3.7.230 Signs in R-2 and R-3 Zoning Districts. Signs shall be permitted only as follows in the R-2 and R-3 zones:

- A. New Development/Project Sign.** One (1) non-illuminated ground sign, not exceeding fifty (50) square feet in area, and fourteen (14) feet in height is permitted on the premises of each proposed building or development project. Such sign may be installed after a building permit has been obtained for the construction project and must be removed not later than two years after issuance of the building permit for the project or upon completion of the project, whichever is first. No more than one (1) such sign shall be erected for each construction project and such sign shall be subject to the same setback requirements as are imposed for structures in this zone;
- B. Multiple-family Dwelling Sign.** For multiple-family dwellings containing four (4) or more dwelling units, one (1) sign not more than ten (10) square feet in area, either affixed to the building or free-standing is permitted. If free-standing, the sign shall not be located in any required yard area and shall not exceed four (4) feet in height and shall be mounted within a landscaped area or decorative planter. If affixed to the building, the sign may not project into a required yard area more than eighteen (18) inches. No part of any such sign shall be higher than the allowable building height as defined in chapter 2, Zoning; and
- C. Public/Institutional Use Signs.** Public uses, schools, churches and similar public/institutional uses are allowed a maximum of twenty (20) square feet of sign area, per street frontage. The maximum area shall be a combination of wall and ground signs. If a ground sign, the sign shall not be located within fifteen (15) feet of any property line and shall not be internally illuminated. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, shall be exempted from this provision.

3.7.240 Signs in Residential Zone When Approved by Planned Unit Development. In addition to signs authorized pursuant to section 3.7.220, signs shall be permitted in residential zones when approved by PUD as follows:

- A. Ground Signs.** Not more than one (1) ground sign may be placed on each lot or parcel subject to the following limitations:
 - 1. Maximum Height: six (6) feet;
 - 2. Maximum Square Footage: thirty-six (36) square feet per sign; and
 - 3. Minimum Setback: ten (10) feet from a lot in a residential zone or from a street right-of-way.
- B. Wall Signs.** Wall signs are permitted subject to the following limitations:
 - 1. Principal Façade. The aggregate area of all signs shall not exceed one and one-half (1 ½) square feet for each linear foot of business frontage, except if the building is set back more than twenty (20)

feet from the right-of-way, in which the aggregate area of all signs shall not exceed two (2) square feet for each linear foot of business frontage. No part of any sign shall be higher than the allowable building height as defined chapter 2, Zoning Districts;

2. Secondary Façade. The aggregate area of all signs shall be limited in area to two (2) square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the allowable building height as defined chapter 2, Zoning Districts;
3. Projecting Signs. Prohibited;
4. Awning/Canopy/Marquee Signs. No such sign shall extend into a parking area, drive, or the road right-of-way. Vertical clearance for such signs above a sidewalk or pathway shall be a minimum of nine (9) feet. All such signs shall be assessed against the facade aggregate for wall signs; and
5. Portable Signs. One additional portable sign not to exceed twelve (12) square feet in area (twenty-four (24) square feet on two (2) sided sign) for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

3.7.250 Signs in the C-1 Zone. Signs shall be permitted as follows in the C-1 zone:

- A. **Ground Signs.** Each parcel of land is permitted one (1) ground sign per street frontage, subject to the following limitations:
 1. Maximum Height: ten (10) feet;
 2. Maximum Square Footage: one hundred (100) square feet per sign; and
 3. Minimum Setback: May not project into public right-of-way.
- B. **Wall Signs.** Wall signs are permitted, subject to the following limitations:
 1. Principal Façade. The aggregate area of all signs shall not exceed one and one-half (1 ½) square feet for each linear foot of business frontage. No part of any sign shall be higher than the allowable building height as defined in chapter 2, Zoning Districts.
 2. Secondary Façade. The aggregate area of all signs shall be limited in area to two (2) square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the allowable building height as defined in chapter 2, Zoning Districts.
 3. Second Story and Basement Enterprises or Uses. Second story and basement enterprises or uses, that are maintained exclusively on a floor other than the street floor, shall be entitled to additional sign area equal to sixty (60) percent of the sign area authorized above for each facade. No part of any sign shall be higher than the allowable building height as defined in chapter 2, Zoning Districts.

- C. **Projecting Signs and Fin Signs.** Signs not exceeding twenty (20) square feet are permitted.
- D. **Awning/Canopy/Marquee Signs.** Signs not exceeding twenty (20) square feet placed flat on a marquee, awning, or canopy are permitted.
- E. **Temporary Sign.** One (1) temporary sign on each street frontage is allowed for each separate business. Display period is limited to thirty (30) days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed sixteen (16) square feet. No part of any sign shall be higher than the allowable building height as defined in Chapter 2.

3.7.260 Signs in the C-3 Zone. Signs shall be permitted as follows in the C-3 zone:

- A. **Ground Signs.** Each parcel of land is permitted one (1) ground sign per street frontage, subject to the following limitations:
 - 1. Maximum Height: twenty (20) feet;
 - 2. Maximum Square Footage: one hundred fifty (150) square feet per sign; and
 - 3. Minimum Setback: Shall not project into public right-of-way.
- B. **Wall Signs.** Wall signs are permitted, subject to the following limitations:
 - 1. Principal Façade. The aggregate area of all signs shall not exceed one and one-half (1 ½) square feet for each linear foot of business frontage, except if the building is set back more than twenty (20) feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two (2) square feet for each linear foot of business frontage. No part of any sign shall be higher than the allowable building height as defined in chapter 2, Zoning Districts; and
 - 2. Secondary Façade. The aggregate area of all signs shall be limited in area to two (2) square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the allowable building height as defined in chapter 2, Zoning Districts.
- C. **Projecting Signs.** No sign shall project more than eighteen (18) inches into the public right-of-way except when:
 - 1. The building is set back less than two (2) feet from public right-of-way;
 - 2. The sign is less than twenty-five (25) square feet in area;
 - 3. The right-of-way projection is limited to an improved sidewalk; and
 - 4. The sign is placed minimum of nine (9) feet above the sidewalk where it projects.

No part of any projecting sign shall be higher than the allowable building height as defined in Chapter 2, Zoning Districts.
- D. **Awning/Canopy/Marquee Signs.** All such signs shall be assessed against the aggregate wall signage for the facade.

- E. Shopping Center/Multi-Tenant Sign.** In the case of shopping areas which are developed as a unit with common parking areas, one ground sign per vehicular access on a public street is permitted on the premises of a shopping center. The size of the ground signs shall be determined as follows:

1. For shopping centers with less than three hundred thousand (300,000) square feet of gross floor area, one (1) sign may be up to one hundred fifty (150) square feet in area and twenty (20) feet in height.
2. For shopping centers that contain or have PUD or site plan approval for a gross floor area between three hundred thousand (300,000) square feet and five hundred thousand (500,000) square feet, one (1) sign may be up to two hundred (200) square feet in area each and thirty-five (35) feet in height.
3. For shopping centers that contain or have such plan approval for a gross floor area that exceeds five hundred thousand (500,000) square feet, two (2) signs may be up to two hundred (200) square feet in area each and thirty-five (35) feet in height, but no less than one thousand (1,000) feet apart.

Each additional ground sign shall not exceed thirty (30) square feet in area and twelve (12) feet in height. The shopping center ground signs allowed by this subsection are in lieu of all other ground signs permitted in the zoning district, as listed under subsection 3.7.260A. Such signs shall not project into public right-of-way.

- F. Temporary Sign.** One (1) temporary sign on each street frontage is allowed for each separate business. Display period is limited to thirty (30) days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed sixteen (16) square feet. No part of any sign shall be higher than the allowable building height as defined in chapter 2.

3.7.270 Signs in the C-3 zone near I-5 Freeway Frontage. In addition to the signs allowed under section 3.7.260, C-3 Zone, the following signs shall be permitted in the C-3 zone with Interstate 5 frontage or no more than one (1) block removed from I-5 only:

- A. Freeway Signs.** One (1) sign not exceeding two hundred fifty (250) square feet in area and fifty (50) feet in height, and one (1) sign not exceeding one hundred fifty (150) square feet in area and twenty (20) feet in height are permitted on each parcel of land located along I-5 frontage or no more than one (1) block removed from I-5. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the basic regulations.
- B. Service Station Signs.** One (1) additional ground sign per street frontage, not exceeding thirty (30) square feet in area and nine (9) feet in height, may be permitted through site plan review for any single parcel of land

occupied by a service station. Such signs may not project into public right-of-way.

- C. **Drive-up Window Business Sign.** One (1) ground sign not to exceed thirty-two (32) square feet in area and six (6) feet in height may be permitted through site plan review for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.
- D. **Construction Sign.** One additional non-illuminated sign may be installed after a building permit or development approval has been obtained for a construction project and must be removed not later than two (2) years after issuance of the building permit for the project or upon completion of the project, whichever is sooner. The sign shall have an area not exceeding thirty-two (32), and the top of the sign shall not be more than twenty (20) feet above the general surface of the ground. Not more than one such sign shall be erected for each construction project and such sign shall be subject to the same setback requirements as are imposed for structures in this zone.

3.7.280 Signs in the M-1 and M-2 Zones. Signs shall be permitted as follows in M-1 and M-2 zones:

- A. **Ground Signs.** Ground signs are subject to the following limitations:
 - 1. Maximum Height: twenty-four (24) feet;
 - 2. Maximum Square Footage: two hundred (200) square feet per sign;
 - 3. Minimum Setback: Sign shall not project into public right-of-way; and
 - 4. Maximum Number: No more than one (1) free-standing sign shall be permitted on any single lot, except if lot has more than one street frontage, then a lot may be allowed one (1) ground sign for each frontage over one hundred twenty (120) linear feet.
- B. **Wall Signs.**
 - 1. Principal Facade: The aggregate area of all signs shall not exceed one and one-half (1½) square feet for each linear foot of business frontage, except if the building is set back more than twenty (20) feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two (2) square feet for each linear foot of business frontage. No part of any sign shall be higher than the allowable building height as defined chapter 2, Zoning.
 - 2. Secondary Facade: The aggregate area of all signs shall be limited in area to two (2) square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the allowable building height as defined in Chapter 2, Zoning.
- C. **Projecting Signs.** No sign shall project more than eighteen (18) inches into the public right-of-way except when:
 - 1. The building is set back less than two (2) feet from public right-of-way;

2. The sign is less than twenty-five (25) square feet in area;
3. The right-of-way projection is limited to an improved sidewalk; and
4. The sign is placed minimum of nine (9) feet above the sidewalk where it projects.

No part of any projecting sign shall be higher than the allowable building height as defined in chapter 2, Zoning.

- D. Awning/Canopy/Marquee Signs.** No such sign shall extend into the public right-of-way. All such signs shall be assessed against the facade aggregate for wall signs.
- E. Service Station Signs.** One (1) additional ground sign per street frontage, not exceeding thirty (30) square feet in area and nine (9) feet in height, may be permitted through site plan review for any single parcel of land occupied by a service station. Such signs may not project into public right-of-way.
- F. Drive-up Window Business Sign.** One (1) ground sign not to exceed thirty-two (32) square feet in area and six (6) feet in height may be permitted through site plan review for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.
- G. Construction Sign.** Up to two (2) additional non-illuminated signs may be installed after a building permit has been obtained for a construction project and must be removed not later than two (2) years after issuance of the building permit for the project or upon completion of the project, whichever is sooner. Each sign shall have an area not exceeding one hundred (100) square feet, and the top of the sign shall not be more than twenty (20) feet above the general surface of the ground. Not more than two such signs shall be erected for each construction project and such signs shall be subject to the same setback requirements as are imposed for structures in this zone.
- H. Temporary Sign.** One (1) temporary sign on each street frontage is allowed for each separate business. Display period is limited to thirty (30) days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed sixteen (16) square feet. No part of any sign shall be higher than the allowable building height as defined in chapter 2.

Section 3.8

WETLANDS AND FLOODPLAINS [Reserved]



126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
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City of Sutherlin

Date: September 9, 2020
To: Sutherlin Planning Commission
From: Community Development
Re: Monthly Activity Report

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

COMMUNITY DEVELOPMENT

Urban Renewal (Tax Increment Financing District)

The City has adopted the Urban Renewal District and Plan by Ordinance at the June 8, 2020 Council meeting. The documents have been recorded with the Douglas County Clerk's Office and Douglas County Assessor's Office.

Ford's Pond

Construction started on August 17, 2020, not much to report at this time. 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 done. The project is scheduled to be completed in December, 2020.

TRANSPORTATION

Transportation System Plan (TSP)

The TSP has been adopted. Staff will now work with ODOT and the consultants to wrap of the grant process and implement the code updates.

UTILITIES

WWTP Improvement

- Project should be completed by the end of August.

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

- Sixth and Oak Pump station is on-line
- Reservoir in under construction and should be completed by the end of October

South Calapooia Low Pressure Force Main Sewer Extension Project:

- Project is completed

Nonpareil Water Treatment Plant Improvement. Contract awarded on January 27, 2020 to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management. Kick-Off meeting was held on March 11, 2020.

Revised schedule

- Start design February 2020
- 60% design meeting September 2, 2020
- 90% design meeting October 7, 2020
- Final design December 14, 2020
- Bid process and contract award February/March 2020
- Council Consideration of Contract March/April 2020
- Construction NTP April 2020
- Complete construction May/June 2022

LAND USE ACTIVITY

Building Worksheets

- 2020-001 -048 on previous Activity Report(s)
- 2020-49 – 676 St Johns –
- 2020-50 – 1082 S Calapooia St – addition/remodel
- 2020-51 – 878 Landing St - MH
- 2020-52 – 2600 Greyfox Ct - SFD
- 2020-53 – 121 E Central Ave – remodel of commercial bldg
- 2020-54 – 191 W Second Ave – remodel of comm bldg office & living qtrs
- 2020-55 – 779 W Central Ave – repair damage to existing comm bldg. (Domino's)
- 2020-56 – 217 W Central Ave - carport
- 2020-57 – 195 Addison - SFD
- 2020-58 – 2092 Culver Loop – accessory bldg
- 2020-59 – 621 Willamette – deck
- 2020-60 – 210 Crestview – change in use
- 2020-61 – 209 Miller St – accessory bldg
- 2020-62 – 500 E Fourth Ave – interior remodel (Sutherlin High School)
- 2020-63 – 215 N Comstock – accessory bldg
- 2020-64 – 714 Slazenger Ct – SFD
- 2020-65 – 212 Addison Ave – SFD
- 2020-66 – 1835 Ruby Ct – accessory bldg
- 2020-67 – 103 E Central Ave - sign
- 2020-68 – 631 W First Ave – accessory bldg
- 2020-69 – 1341 Duke Ave - Fence
- 2020-70 – 819 S Comstock Rd, Sp 57 - MH
- 2020-71 – 400 Bentgrass Ct - SFD

- 2020-72 – 418 Bentgrass Ct – SFD
- 2020-73 – 1046 Laurel Ave - SFD

Active Land Use Applications

- 20-S001 – 20-S007 on previous Activity Report(s)
- 20-S008 – WOLF – PLA
- 20-S009 – ROBINSON – LP
- 20-S010 – CAGLE – LP
- 20-S011 – MARKS – LP
- 20-S012 – TABOR -LP
- 20-S013 – SHORT – PLA
- 20-S014 – THORP – PLA
- 20-S015 – MANN – TREE FALLING
- 20-S016 – ROGERS – LP
- 20-S017 – MOCK - LP

Right of Way Applications

- 20-01 – 20-15 on previous Activity Report(s)
- 20-16 – 1004 Laurel Ave – Charter Communications
- 20-17 – 152 Arch Ave – Douglas Services
- 20-18 – 516 & 528 Glen Ave – Pacific Power