Chapter 16.005
DEFINITIONS

100-Year Flood Plain: Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

Access: The way or means which allows pedestrians and/or vehicles to ingress and egress a property.

Accessory Structure or Use: A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use. Examples of accessory structures or uses include, but are not limited to, private garages, greenhouses, decks, fences, arbors, gazebos, air conditioners, heat pumps, tool sheds and satellite dishes per definition. (An Accessory Dwelling is not considered an Accessory Structure or Use. See definition for Dwelling, Accessory.) Accessory structures and accessory uses are not allowed in floodplains or floodways.

Alcoholic Beverage Establishment: A commercial establishment including, but not limited to, bars, taverns, pool halls, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment may be provided and where the sale of alcoholic beverages is an integral component of the business.

Alley: A narrow vehicular service access to the back or side of properties.

Amusement Enterprise, Indoor: Any enterprise, wholly contained within a structure, whose main purpose is to provide the general public with an amusing or entertaining activity. Indoor amusements may include arcades, skating rinks, dance halls, theaters, ice rinks, pool halls, bowling alleys, indoor shooting ranges, health/sports facilities/gyms, and similar enterprises. Indoor amusement enterprises may also include business that hold classes in acting, art, dance, music, photography, and martial arts.

Amusement Enterprise, Outdoor: Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity. Outdoor amusements may include zoos, carnivals, expositions, miniature golf courses, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, private soccer and baseball fields, go-cart tracks, archery range, golf courses, driving ranges, and similar enterprises.

Animal Care Facilities: A place where animals are boarded and/or bred, including ,but not limited to, veterinary clinics, stables, dog day cares, animal groomers, and kennels.
**Art Studio or Gallery:** Where objects of art are created or displayed for public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpture, and other similar skills) as the primary use of the structure.

**Automobile, Recreational Vehicle or Trailer Sales Area:** A lot used for display, sale, or rental of new or used automobiles, recreational vehicles, light trucks, or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

**Automobile Service Station:** A building designed primarily for supplying of motorfuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

**Awning:** A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

**Bed and Breakfast Inn:** A structure where rooms are rented to transient paying guests on an overnight basis and meals are served where no cooking facilities are provided in the rooms.

**Building:** A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.

**Bulk Storage Tank:** A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent use or resale to distributors or retail dealers or outlets.

**Bus Depot/Terminal:** A use that includes a building and area in which patrons may purchase tickets for bus transportation. Bus terminals may provide for the storage, maintenance, and services of busses including repair, washing, and fueling facilities.

**Business Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

**Carport:** A structure covered with a roof and constructed specifically for the storage of one or more vehicles.

**Catering establishment:** A business where the scope of activity is the preparation and sale of meals and beverages for consumption by large parties in conjunction with events such as weddings, parties, and other events with large numbers of attendees.

**Certified Family Child Care Home:** As defined by the State of Oregon, a Certified Child Care Home provides child care for up to 12 children, and may be certified for up to 16 children with prior approval from the State of Oregon; and is located in a building constructed as a single-family dwelling.
City: The City of North Plains, Oregon.

City Planner: The City employee or contractor authorized by the city manager or City Council to implement, administer, interpret and enforce the Zoning and Development Ordinance

Civic/government use: Uses that principally serve a public need, such as libraries, museums, post offices, parks, community centers, police stations, and fire stations.

Clinic, Medical & Dental: A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Cold Storage Facility: A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Corner Lot: (see Lot, Corner)

Country Club: Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.


Conference/Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Condominium: A condominium or townhome is a group of housing units where each homeowner owns their individual unit space, usually from the wall studs in, and share ownership of most or all common elements. Condominiums are subject to the provisions of ORS Chapter 100.

Council: The City of North Plains City Council.

Day: A business day unless specifically noted as a calendar day.

Drive-in/Thru window: A takeaway restaurant, bank, etc. designed so that customers can do business without leaving their cars. This may include, but is not limited to, fast food, bank, and pharmacy drive-thrus.

Dwelling, Attached Two Family: A two family dwelling, with each dwelling unit being located on its own lot, and sharing one common wall and common property line with the other dwelling unit.

Dwelling, Accessory: A detached, secondary, and subordinate dwelling unit which is located on the same lot or parcel as the main building, structure, land, or use. Examples
of accessory dwellings include, but are not limited to, granny flats, garage apartments, and accessory apartments. Accessory dwellings are structures on permanent foundations connected to utilities in a similar manner to the primary structure on the site.

**Dwelling, Multi-Family:** A single structure containing four or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwellings include structures commonly called garden apartments, apartments and condominiums. Multi-family dwellings that are attached on one or both sides to similar adjacent but distinct units are considered townhomes (see definition below).

**Dwelling, Single-Family, Attached** (Townhome, condominium, or row house): Two or more single family dwellings with common end-walls.

**Dwelling, Single-Family, Detached:** A detached building containing one dwelling unit.

**Dwelling, Townhome or Row House:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.

**Dwelling, Three-Family (Triplex):** A detached building containing three dwelling units, located on one legal lot.

**Dwelling, Two-Family (Duplex):** A detached building containing two dwelling units, located on one legal tax lot.

**Dwelling Unit:** One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications.

**Easement:** A grant of right to use an area of land for a specified purpose.

**Educational Facility:** Any facility or premises regularly attended by one or more persons for the purpose of instruction. Such facilities may include tutoring businesses and primary, secondary, colligate, and vocational/trades schools.

**Entity:** 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.

**Extended Care Facility, Convalescent Home, or Nursing Home:** A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

**Farm product processing:** The alteration or modification, for the purpose of storage, transport, or sale of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product must be
the principal ingredient or component. Types of establishments that conduct farm product processing may include canneries, meat packing plants, saw mills, and grain elevators.

**Fence, Sight Obscuring**: A fence or evergreen planting arranged in such a way as to obscure vision.

**Flag Lot**: (See Lot, Flag)

**Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of water bodies and/or unusual and rapid accumulation of surface water from any source.

**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:

A. Attic space providing headroom of less than seven feet;
B. Basement, if the floor above is less than six feet above grade;
C. Uncovered steps or fire escapes;
D. Private garages, carports, or porches;
E. Accessory water towers or cooling towers;
F. Accessory off-street parking or loading spaces.

**Fraternity or Sorority**: An organization formed chiefly to promote friendship and welfare among the members.

**Fraternal Lodge**: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

**Fuel Sales**: A business for retail delivery of combustible fuels, including but not limited to gasoline, diesel, propane, natural gas, bio-diesel, or hydrogen to individual motor vehicles.

**Frontage**: All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

**Garage, Private**: A detached accessory building or portion of a main building for the parking or temporary storage of vehicles owned or used by occupants of the main building.

**Garage, Public**: A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked.

**Grade**: The average elevation of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**Greenhouse or Garden, Commercial**: A structure or location where plants, vegetable,
flowers, and similar materials are grown for sale.

**Health Club/Sports Facility:** A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

**Height of Building:** The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

**Hospital or Sanitarium:** A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

**Home Occupation:** A commercial activity that is conducted within a dwelling unit and/or accessory buildings by persons occupying the dwelling, with no servant, employee, or other person being engaged, provided 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 rights of neighboring residents including but not limited to noise, odors, or parking.

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

**Hotel:** A building in which lodging is provided for guests for compensation.

**Impervious Surface:** Hard surfaces such as roofs, driveways, patios and pavement that prohibit water from soaking into the ground.

**Industrial, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial establishments may include cabinetry/carpentry/woodworking shops, machine shops, welding shops, and sheet metal shops.

**Industrial, Heavy:** A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or ause engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial also includes farm product processing establishments, including grain elevators; saw mills, meat packing plants, and canneries.

**Land Division:** A partition or subdivision of a lot or parcel.

**Light Truck:** Truck with a gross cargo weight of 1-1/2 tons or less.
**Live/Work Townhouse**: An attached single family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.

**Livestock**: Domestic animals of types customarily raised or kept on farms for profit or other purposes. Refer to Municipal Code Chapter 4.25 Livestock.

**Local Improvement District (LID)**: The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.

**Lot**: Unless the context provides otherwise (e.g. a “lot of record”), a unit of land created by land division.

**Lot of Record**: Any lot, or parcel lawfully created by a partition, subdivision, recorded deed, or sales contract if there was no applicable planning, zoning or partitioning ordinance or regulation.

**Lot Area**: The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements.

**Lot, Corner**: A lot or parcel abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.

**Lot Coverage**: That portion of a lot or parcel covered by impervious surfaces, buildings and structures usually expressed in percentage of total square feet of lotsize.

**Lot Depth**: The horizontal distance from the midpoint of the front lot or parcel line to the midpoint of the rear lot line.

**Lot, Flag**: A lot or parcel where access to the public road is usually by a narrow access strip.

**Lot Interior**: A lot or parcel other than a corner lot or parcel.

**Lot Line Adjustment**: The relocation or elimination of a common boundary between two legal lots or parcels, provided no new lots or parcels are created.

**Lot Line, Front**: The line separating the lot or parcel from the public street and in the case of a corner or through lot or parcel, the line along a street over which the primary pedestrian access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the parallel projection of the shortest side lot line of the driveway flag.

**Lot, Rear**: The line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lotline.
**Lot Line, Side**: Any property line that is not a front or rear lot line.

**Lot Width**: The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.

**Manufactured Home**: A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.

**Manufactured Home Park**: A place where two or more manufactured homes are located on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.

**Marijuana**: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

**Marijuana processing site**: An entity registered with the Oregon Health Authority to process marijuana.

**Marijuana processor**: An entity licensed by the Oregon Liquor Control Commission to process marijuana.

**Marijuana producer**: An entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

**Marijuana retailer**: An entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

**Marijuana wholesaler**: An entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

**Medical marijuana dispensary**: An entity registered with the Oregon Health Authority to transfer marijuana.

**Mixed Use Development**: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile, and encourages community interaction.

**Manufactured Home Subdivision**: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

**Motel**: A building or group of buildings on the same lot or parcel and containing guest units with separate entrances and individual sleeping quarters, detached or in connected
rows for rental to visitors. The term includes auto courts, tourist courts, tourist homes and motor lodges.

**Municipal Park**: An area of open space designed and intended for active recreational use. Municipal parks are available for use by the general public. Municipal parks may be in public ownership, such as the City or another government agency or organization. Municipal parks may also be in private ownership, such as a Homeowner’s Association. All municipal parks shall be open to the public by either direct public ownership or a public access easement. Municipal parks include one or more of the following attributes: playground, athletic field, swimming pool, reservoir, or other recreational facility.

**Nonconforming Structure or Use**: A lawfully existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform, or becomes nonconforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this ordinance.

**Parking Space**: A space with room for maneuvering and access space required for a standard automobile to park space.

**Partition**: To divide land into not more than three parcels within a calendar year.

**Place of Worship**: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

**Planned Unit Development**: Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.

**Recycling Facility**: A facility that involves the separation, collection, and/or processing of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

**Recycling Drop-Off Center**: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

**Residential Facility**: A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen 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 facility.
**Residential Home:** A residential treatment or training home, as defined in ORS 443.400, 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. 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.

**Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

**Restaurant, Fast Food:** An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer’s table and food is generally served in disposable wrapping or containers. This type of establishment may or may not include a drive in/thru window.

**Retail Sales & Service:** Indoor establishments engaged in selling goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RV Park:** A campground for day use and overnight accommodations by motor homes.

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, appliances and electronic products.

**Satellite Dish:** As regulated by the FCC, a direct-to-home satellite dish or antenna that is less than one meter in diameter, a TV antenna on a mast less than 12 feet above the roofline, and wireless cable antennas associated with a single family or manufactured home, a townhouse, apartment or condominium. The City may restrict such devices if it is necessary to accomplish a clearly defined safety objective, or is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places and imposes no greater restrictions than on other devices.

**School, Elementary, Junior High or High School:** An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

**Scientific Testing/Research Laboratory:** An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

**Senior Housing:** A residential development which is limited to residents 55 years and over.

**Setback:** An imaginary line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.
**Sign**: An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

**Sign, Monument**: A sign that extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

**Solid Waste Transfer Station**: A facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle for transportation to a solid waste facility.

**Solid Waste Transfer Station, Material Recovery Facility**: A solid waste transfer station designed and operated to process waste by utilizing manual and/or mechanical methods to separate useful materials from the incoming waste stream for return to the economic mainstream for use as raw materials or products. This definition includes recycling plants that process discarded metals, glass, paper, plastics, and other materials for re-use.

**Storage, Outdoor**: The keeping, in an unenclosed area, of any goods, junk, materials, or merchandise in the same place for more than twenty-four hours and not actively being sold.

**Storage, Self Service/RV**: A structure containing separate, individual, and private storage spaces of varying sizes that may include, but is not limited to, storage areas for Recreational Vehicles (RVs) and boats. Storage for RVs does not include RV parks.

**Story**: The portion of a building included between the first surface of any floor and the upper surface of the 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. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.

**Street**: The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "place," "avenue," and other similar designations.

**Structural Alteration**: Any change to the supporting members of a structure including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

**Subdivision**: To divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

**Substandard lot**: A lot which does not meet the lot size requirements of the zoning district in which it is located and is therefore considered a nonconforming property.

**Tax lot**: A reference number on a taxmap (Assessor’s Map) to identify a tax account for the purpose of taxing/assessing by the Washington County Assessors’ Office.
**Theater:** A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

**Through Lots:** Any interior lot or parcel which has frontage on more than one street.

**Trailer (Travel or Vacation):** A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.

**Travel Trailer Parks:** An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

**Truck Stop/Freight/Trucking Terminal:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

**Unstable Soil:** Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.

**Use:** The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility Facility:** A site where infrastructure services and structures necessary to deliver basic utilities are undertaken. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility.

**Variance:** The modification of a specific standard in this Ordinance. Variances are granted by the Planning Commission. Minor variances may be approved administratively by the City Planner.

**Vehicle Wash:** A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

**Vehicular Sales, Rental, Repair & Service:** Any premises or structures when used for the sales, rental, servicing and/or repair of motor vehicles, including paint and bodywork, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Motor vehicles may include, but are not limited to, automobiles, marine craft, motorcycles, and air craft. This use does not include sales, repair/service, and rental of commercial freight trucks/semi-trailers and farm/logging equipment.

**Vision Clearance:** The triangular area at the intersection of any two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including
alleys. These areas provide increased site distance to drivers, pedestrians, wheelchairs, and other users of the intersection. For more details, refer to Chapter 16.160, Clear Vision Areas.

**Warehousing:** The storage of goods or merchandise at a facility such as a storehouse.

**Waste/Recycling Services:** Trash removal and recycling services for residents and business of an area. This may include, but is not limited to, solid waste transfer stations, material recovery facilities, and recycling facilities.

**Wholesale Sales/Service:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wireless Telecommunication Facility:** An unstaffed facility operating for the transmission and reception of radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

**Wireless Telecommunication Tower:** A tall structure with the intended purpose of elevating a antenna high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

**Yard:** An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

**Yard, Rear:** A yard between side lot lines measured at a right angles from the rear lot line to the nearest point of a main building.

**Yard, Side:** A yard between the front and rear yard measured at a right angles from the side lot line to the nearest point of the building.
Chapter 16.065
HOW LAND MAY BE USED AND DEVELOPED
Floodplain Overlay DISTRICT (FP)

16.065.000 Purpose

The purpose of the Floodplain Overlay District (FP) is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;
B. To minimize expenditure of public money and costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

16.065.005 Definitions

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise.

Active Floodplain: The identified Area of Special Flood Hazard but excluding the watercourse or channel of any river, creek, or tributary to the bank full stage.

Appeal: A request for a review of the Planning Commission's interpretation of any provision of this Section or a request for a variance.

Area of Shallow Flooding: Area designated AO or AH on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly

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defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of Special Flood Hazard:** The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard”

**Bank Full Stage:** The point at which the flow in the creek channel reaches the maximum height of the watercourse channel, just before flooding into the active floodplain.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located on a property with area within the area of special flood hazard.

**Elevated Building:** For insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park subdivision for which the construction of facilities for servicing the lots on the site which existed before the effective date of the adopted floodplain management regulations.

**Expansion to An Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed(including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding:**
(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.
(3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood Hazard Boundary Map (FHBM):** Initial flood hazard identification generally used for Emergency Program Communities.

**Flood Insurance Rate Map (FIRM):** The official map of a community on which the Flood Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Floodplain Administrator:** The Public Works Director or Designee is the City’s Floodplain Administrator.

**Floodplain Review Authority:** The Planning Commission of the City of North Plains shall be the City’s Floodplain Review Authority.

**Flood Way:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 16.065.025.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent
foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**Manufactured Home Park or Subdivision**: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**New Construction**: Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by North Plains and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision**: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

**Recreational Vehicle**: A vehicle which is:
A. Built on a single chassis;
B. 400 square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by a light duty truck; and
D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction**: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure**: A walled and roofed building including a gas or liquid storage tank that is principally above ground, a modular or temporary building.

**Substantial Damage**: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or
Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance: A grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by the section.

Watercourse: The channel and banks of an identifiable river, stream or tributary, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel (except in the case of alluvial fans, where a channel is not typically defined).

16.065.010 General Provisions

A. Area of Application

All property, regardless of the underlying zoning designation, which falls within the boundaries of the 100-year Floodplain, also known as the area of special flood hazard, shall be subject to the provisions of this Floodplain Overlay (FP) Ordinance.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Washington County and incorporated areas”, dated October 19, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the City of North Plains City Hall and can also be obtained through Washington County. The City shall utilize all authoritative information available in determining the location of special flood hazard areas.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill)
shall be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

C. **Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

D. **Abrogation and Severability**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

E. **Interpretation**

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;

2. Literally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. **Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of North Plains, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
G. **Accessory Structures**

Accessory structures shall not be located within a floodplain or floodway.

16.065.015 **Administration**

A. **Development Permit Required**

A development permit shall be obtained before construction or development begins on any part of a property within any area of special flood hazard established in Chapter 16.065.010 (A). The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions. If the proposed development is fully outside of the area of special flood hazard, a Type I review is required. If the proposed development is within the area of special flood hazard in any way, a Type III review is required.

B. **Application for Development Permit**

Application for a development permit shall be made on forms furnished by the City Recorder, and accompanied by the appropriate fee, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which the structure has been flood proofed;

3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Floodplain Overlay section of this code.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. **Review Authority**

The Public Works Director or designee is the floodplain administrator for the City of North Plains. The Planning Commission is hereby appointed as Floodplain Review Authority to administer and implement this ordinance by granting or denying development permit applications where a development proposal is located within the area of special flood hazard. Floodplain Development Permits
requiring a Type III review procedure shall be subject to the public notice requirements and public hearing requirements of this chapter.

City Staff shall review development permit applications where a development proposal is located fully outside of the area of special flood hazard.

The duties of the review authority shall include, but not be limited to:

1. **Permit Review- Type I Review Required**
   - a. Review all development permits to ensure that no part of the proposed development is within the area of special flood hazard.
   - b. Maintain a copy of the development permit site plan clearly showing the proposed development fully outside of the area of special flood hazard.

2. **Permit Review- Type III Review Required**
   - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied, specifically Chapter 16.065.020-Provisions for Flood Hazard Protection.
   - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
   - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Chapter 16.065.025 (E) are met.

3. **Use of Other Base Flood Data**

   When base flood elevation data has not been provided (A and V Zones) in accordance with Chapter 16.065.010 (B), the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources, in order to administer Chapter 16.065.025.

D. **Information to be Obtained and Maintained**

   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Chapter 16.065.015 (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b. For all new or substantially improved flood proofed structures:
i. Verify and record the actual elevation (in relation to the mean sea level), and

ii. Maintain the flood proofing certifications required in this Chapter.

c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

E. **Alteration of Watercourses**

When an applicant proposes to alter a watercourse, the review body shall:

a. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

F. **Interpretation of FIRM Boundaries**

Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

G. **Changes to Base Flood Elevation**

Within 6 months of modifying a base flood elevation, an applicant shall notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data.

16.065.020 **Provisions for Flood Hazard Protection**

In all areas of special flood hazards the following standards are required:

A. **Anchoring**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include,
but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. **Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within components during conditions of flooding.

C. **Utilities**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

D. **Subdivision Proposals**

1. A Floodplain Development Permit must be approved PRIOR to approval of a subdivision preliminary plat on the same property. In most cases, this will require two separate hearings before the Planning Commission.

2. All subdivision proposals shall be consistent with the need to minimize flood damage;

3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;

4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

5. Base flood elevation (BFE) data shall be provided for subdivision proposals
and other proposed development which contain at least 50 lots or 5 acres, whichever is less.

E. Review of Building Permits

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The City of North Plains has been notified that failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

16.065.025 Specific Standards

In all areas of special flood hazards where base flood elevations data has been provided as set forth in this Chapter, the following provisions are required:

A. All Development

All development within the boundaries of the 100-year Floodplain shall conform to the following cut and fill standards:

1. No net fill in the floodplain is allowed. All fill placed in a flood plain shall be balanced within at least an equal amount of soil material removal;

2. Excavation areas shall not exceed fill areas by more than 50 percent of the area;

3. Any excavation below the bank full stage of Ghost Creek or McKay Creek shall not compensate for fill;

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill in the Floodplain Overlay District and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to stream flow as practicable. Bridges shall be used instead of culverts wherever practicable

B. Residential Construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevations.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood
forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. The ground surface inside enclosed areas shall be graded in such a way that water will drain and pooling of water will not occur.

C. **Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction in accordance with accepted standards of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Chapter 16.065.015 (B)(3).

4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Chapter 16.065.025 (A).

5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

D. **Manufactured Home**

1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Chapter 16.065.025.B.2, above.
2. The bottom of the longitudinal chassis frame beam in A zones shall be at or above base flood elevation (BFE).

3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas’ guidebook for additional techniques).

4. Electrical crossover connections shall be a minimum of 12 inches above BFE.

E. Floodways

Located within areas of special flood hazard established in Chapter 16.065.010(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply, these provisions apply to all floodways:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development in the floodway (as defined by the Federal Emergency Management Agency) unless certification by registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Chapter 16.065.025 (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 16.065.025.E.1.

3. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

4. The placement of mobile homes in existing mobile home parks and subdivisions will comply with Subsections 16.065.025 (D) 1-4.

F. Recreational Vehicles

Recreational vehicles shall be prohibited from locating in flood hazard areas.

G. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the
500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

16.065.030 VARIANCE AND APPEAL PROCEDURE

All variance requests are processed by the City according to the specifications set forth below.

(1) The Planning Commission shall hear and decide requests for variances from the requirements of this ordinance.

(2) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Commission in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Planning Commission who have standing in the land use procedure may appeal such decision to the City Council.

(4) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i. through xi. in Section 16.065.030.5 have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

(5) In reviewing and application for variance to the floodplain standards, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

   (i) The danger that materials may be swept onto other lands to the injury of others;
   (ii) The danger to life and property due to flooding or erosion damage;
   (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   (iv) The importance of the services provided by the proposed facility to the community;
   (v) The necessity to the facility of a waterfront location, where applicable;
   (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   (vii) The compatibility of the proposed use with existing and anticipated development;
   (viii) The relationship of the proposed use to the comprehensive plan and flood
plain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

(7) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(9) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;
(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(10) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(11) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-
floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 16.065.030.4, and otherwise complies with Section 16.065.020 Provisions for Flood Hazard Protection.

(12) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(13) Upon consideration of the factors of Section 16.065.030.5 and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(14) The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
Chapter 16.080
SIGN STANDARDS

16.080.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

A. **Abandoned sign** - A sign or sign structure where:
   1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
   2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

B. **Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

C. **Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.

D. **Building Frontage, Primary** - The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

E. **Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the building’s lot regardless of whether such is functionally the front, rear, end or side of the building.

F. **Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

G. **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

H. **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.

I. **Column Sign** - A sign supported by two (2) square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
J. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

K. **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Video signs are not included in this definition. Electronic message signs permitted under this chapter shall comply with the following standards:

1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

4. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candleas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

L. **Frontage** - The length of the property lines of any one premises along public right-of-way on which it borders.

M. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.

N. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

O. **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.
P. **Height**- The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

Q. **Monument Sign** - A sign that has a solid supporting base generally made of stone, masonry, or concrete, with no separations between the sign and the base.

R. **Mural** Any piece of hand-produced artwork painted, tiled or applied directly on an exterior wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture. The following are NOT considered murals:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;
2. murals containing electrical or mechanical components; or
3. changing image murals.

S. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.

T. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

U. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

V. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

W. **Portable Sign** - A sign that is at all times movable by hand. A portable sign includes but is not limited to: sandwich boards, yard signs, A-frame signs, and flag signs.

X. **Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.

Y. **Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Z. **Roof Sign** - Any sign erected over or on the roof line of a building.

AA. **Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or
any part thereof, or is attached to, painted on, or in any other manner
represented on a building or structure or device; and is used to announce,
direct attention to, or advertise; and is visible from any public right-of-way

BB. **Sign Area** - The entire area made available by the sign structure for the
purpose of displaying the advertising message. For painted signs, only that
portion of the door, wall, or structure actually devoted to the message and
associated symbols and background, if any, is included in the area. The sign
area as defined, shall be used in determining the allowable square footage
of signs. For double faced signs, only one side of the sign shall be counted
in the total maximum area.

CC. **Snipe Sign** - A small sign of any material, including but not limited to paper,
cardboard, wood or metal, attached to any object and having no application
to the premises where located, i.e. garage sale signs.

DD. **Temporary Sign** - A sign not permanently affixed to a structure on a
property. These signs primarily include, but are not limited to, canvas,
cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall
or on a permanent pole such as on a free-standing sign support. Paper signs
may only be used for single day events.
Temporary signs include sandwich boards and flags.

EE. **Unlawful Sign** - A sign that was constructed without the necessary
permits or approvals of the city.

FF. **Wall Sign** - A sign attached essentially parallel to and extending not more
than eight inches from the wall of a building with no copy on the sides or
edges. This definition includes signs painted directly on the wall of a building.

GG. **Wayfinding Sign** - A sign that is generally within the right-of-way and not
on private property that is erected with permission of (and generally by) the
jurisdiction with authority over the right-of-way. Wayfinding encompasses all
of the ways in which people orient themselves in physical space and navigate
from place to place.

HH. **Window Sign** - A sign installed on the exterior or on or near the interior of a
window for the purpose of viewing from outside the premises.

16.080.005 **General Provisions**

A. Except as provided in this chapter, a person shall not erect, construct,
enlarge, alter, repair, move, improve, remove, convert, demolish, equip,
use or maintain any sign, or cause or permit the same to be done,
contrary to or in violation of any of the provisions of the sign standards.

B. Except as provided in this chapter, a person shall not erect, construct or
alter a sign, or permit the same to be done, unless a sign permit has
been issued by the city. A sign permit for the construction and continued
use of a sign is subject to the terms and conditions stated in the permit
and to the sign standards.
C. An application for sign permit approval is subject to the procedures set forth in this chapter.

D. A sign shall not be constructed on a site that contains an unlawful sign.

E. The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

F. Sign permits are not required for wayfinding signs erected by the jurisdiction with authority over the right-of-way in which the sign is placed.

G. Compliance with this sign code shall be reviewed by City Staff prior to issuance or renewal of any business license on a property in the City.

H. Murals are subject to review and approval by the City’s Mural Committee. If the Mural Committee is not active, City Staff will review and approve the mural based on the Mural Committee’s standards.

16.080.010 Signs in Residential Zones

A. Permitted Signs

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.

2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.

   a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building. This type of sign does not require a permit.

   b. One (1) temporary sign, not illuminated and not exceeding eight (8) square feet. These signs are generally used when a residence is for sale, rent or lease, when improvements are being done to the home and for political purposes. This type of sign does not require a permit and must be removed within 10 days after: the property is sold, leased or rented, the work is complete or the election has concluded.

   c. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold. This type of sign does not require a permit.
d. Homeowner Association Meeting and/or announcements not exceeding 4 square feet. This type of sign does not require a permit.

e. Changeable copy signs for institutional uses, not exceeding 20 square feet

f. One (1) monument or column sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument or column sign.

g. One (1) monument or column sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

h. Licensed care facilities on a premises may have one (1) sign not exceeding 4 square feet.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Mural

16.080.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.

   a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

   b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.

   c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.

   d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each
business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.

e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

f. Window sign, provided that not more than 25% of a window is included in a window sign.

g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.

h. Projecting signs meeting the definition under Section 16.80.00. Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one feet of elevation over 8 feet to a maximum projection of 3 feet.

i. One monument or column sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.

j. One changeable copy sign incorporated into the allowable square footage of signs for the property.

2. Signs which meet the following regulations are allowed in the C-2 Zone.

a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy, except as provided in subsection e. below.

c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy, except as provided in subsection e. below.

d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of
one square foot of sign area for each lineal foot of building occupancy, except as provided in subsection e. below.

e. For properties adjacent to Highway 26, signage on the wall facing the highway is permitted of a size up to twenty-five percent (25%) of the wall area. Any properties containing pre-existing non-conforming signage shall be subject to the wall sign provisions of subsections a. through d., above.

f. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

g. Window sign, provided that not more than 25% of a window's area is included in a window sign.

h. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs shall not be located adjacent to, or across from residential zones.

i. For properties with greater than 200 feet of total street frontage, one monument or column sign for each street frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument or column sign allowed in subsection g of this section.

j. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

k. Changeable copy signs incorporated into the allowable square footage of signs for the property are permitted.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. The following signs are prohibited in the C-1 Zone:
   a. Ground and pole signs
   b. Roof signs

2. The following signs are prohibited in the C-2 Zone:
   a. Ground or pole sign
b. Roof signs

c. Projecting signs

**16.080.020 Signs in Neighborhood Community Zone**

A. Permitted Signs

Signs located in the NC Zone:

1. Signs located in the residential portions of the NC zone shall comply with signs allowed in Residential Zones, per Section 16.080.010.

2. Signs located in the commercial portions of the NC zone shall comply with signs allowed in the C-1 zone, per Section 16.080.015.

3. Signs in mixed use areas shall comply with signs allowed in the C-1 zone, per Section 16.080.015.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. Ground and pole signs

2. Roof signs

**16.080.025 Signs in Institutional and Public Use Zone**

A. Permitted Signs

1. One wall sign not exceeding 32 square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

2. One free-standing sign per street frontage not exceeding 32 square feet per sign face shall be permitted. A minimum setback of 10 feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to 6 feet from ground level at its base.

**16.080.030 Signs in Industrial Zones**

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M1 Zone.
a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs are not allowed adjacent to, or across from a residential zone.

d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

2. Signs complying with the following regulations are allowed in the M-2 Zone.

a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs shall not be located adjacent to, or across from residential zones.

d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. Signs prohibited in the M-1 Zone:
   a. Ground or pole sign
   b. Roof signs
   c. Projecting signs
   d. Changeable copy sign, except gasoline price signs

2. Signs prohibited in the M-2 Zone:
   a. Ground or pole sign
b. Roof signs
c. Projecting signs
d. Changeable copy sign, except gasoline price signs

16.080.035 Temporary Signs

The following temporary signs are permitted in all zones:

A. Temporary signs and banners, for a maximum period of six weeks from the date a permit is issued.

B. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

C. Temporary signs up to a maximum of twelve (12) square feet in area posted on Friday after 6 am through Sunday at 8 pm do not require a permit (such as signage typically utilized to identify weekend events, sales, etc).

D. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs. All temporary signs must be located at least 100 feet from other temporary signs.

16.080.040 Portable Signs.

General portable sign provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

A. Portable signs shall be permitted in Commercial (C-1 and C-2), Industrial (M-1 and M-2), and Institutional (IPU) zones and the non-residential portions of the Neighborhood Community (NC) zones.

B. Portable signs shall be professionally prepared, contain no moving parts and shall not be lighted.

C. Each property shall be permitted one portable sign for every one hundred feet of frontage on a public right-of-way, not exceeding twelve (12) square feet in area per sign face. A minimum 100-foot spacing between temporary signs is required. Portable signs shall be located in one of three places:

1. On the same private property as the business or institution to which the sign pertains.

2. In the right-of-way directly adjacent to the property on which the business sits, provided the right-of-way is under City jurisdiction and the property is zoned to permit portable signs.
3. On another private property within the City with permission of the property owner and within a zone that permits portable signs.

D. Portable signs shall not be located within twenty (20) feet of a property corner adjacent to two rights-of-way.

E. Portable signs shall be removed at the close of the business day.

F. Portable signs shall not block or impede ADA and pedestrian access on public or private walkways or sidewalks.

G. A sticker permit is required from the City for each portable sign.

H. The portable sign provisions do not apply to signage attached to the building wall or within the window of a business.

16.080.045 Additional Regulations Applicable to all Zones.

A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.

B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

16.080.050 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

For the purposes of this Section, "unused" shall mean the absence of copy or advertising message or the sign is on a property that is not in use.
Non-Conforming Signs

A. Non-conforming signs may continue to exist, subject to the following provisions:

1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.

2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.

3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.

4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
   a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.
   b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.
   c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.

5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.

6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety
days of the date the sign was damaged and are diligently pursued thereafter.

7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned and shall be removed by the property owner.

8. Abandoned signs shall not be permitted as non-conforming signs.

9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by the city manager to be an abandoned sign shall be removed as provided in subsection A.7 of this section.

B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.

D. **Highway Signs.** Any non-conforming signs located at tax lots 1N312AB00400, 1N301DC06300 or 1N3120000200, that were approved under previous regulations, or for which a variance was granted, and which was installed prior to April 1, 2013 will be permitted until such time that all or a portion of the sign is removed or in poor repair, for any reason including acts of god. Highway signs cannot be altered in physical dimensions.
Chapter 16.135
Subdivisions

16.135.000 Definition

“Subdivision”, for the purpose of this Chapter is meant to divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

16135.005 General Provisions

A. All subdivisions shall conform to applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.

B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.

C. Pre-application conferences shall be required prior to the submittal of all subdivision applications. The City Manager may waive this requirement.

16.135.010 Submittal Requirements for Tentative Subdivision Plans

A. All Subdivision applications shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.

B. Each application shall include one (1) copy of the tentative subdivision plan drawn on a sheet of 24 x 36 inches in size at a scale of 1 inch equals 100 feet and one (1) copy in electronic form.

C. Should include copy of the letters of tentative approval of all Service Providers.

D. The following information shall be shown on the tentative subdivision plan:

1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any other subdivision in the county and shall be approved by the Planning Commission and the County Surveyor.

2. Date, north point and scale of drawing.

3. Appropriate identification of the drawing as a tentative plan.

4. Description of the subdivision sufficient to define its location and boundaries and legal description of the land proposed to be subdivided.

5. Names and addresses of the owner and subdivider applicant.
6. The location, widths and names of existing improved and unimproved streets within or adjacent to the tract. Add the location and width of existing easements within or adjacent to the tract.

7. The location, width, names, approximate grades and radii of curves of proposed streets as shown on any development plan and any proposed easements.

8. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
   a. For slopes of less than five per cent: two feet, together with not less than four spot elevations per acre, evenly distributed, if necessary.
   b. For slopes of five percent to 15 percent: five feet.
   c. For slopes of 15 percent to 20 percent: ten feet.
   d. For slopes of over 20 percent: 20 feet.

9. The location of at least one temporary bench mark within the subdivision boundaries pursuant to ORS 96.060.

10. The location and direction of water courses and the location of areas subject to flooding and/or within the most current designated 100-year floodplain.

11. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade.

12. Existing uses of the property and location of existing structures designated historic and cultural resources on the site and structures to remain on the property after platting.

13. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

14. Proposed deed restrictions, if any, in outline form.

15. The location of existing sewage disposal facilities, water mains, culverts, storm drainage facilities and electric lines within and adjacent to the subdivision.

16. Dimensions and area of each proposed lot.
17. Proposed lot and tract numbers.

18. Proposed sites, if any, allocated for development.

19. All subdivisions must show how layout of streets will interface with and accommodate all adjacent properties.

20. Any of the following may be required by the City or Planning Commission to supplement the tentative subdivision plan:

   a. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and sidewalks and the nature and extent of street construction.
   
   b. A schematic plan for domestic water supply lines and related water service and sewage disposal facilities.
   
   c. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
   
   d. If lot areas are to be graded or filled, a plan showing the nature of cuts and fills and information on the character of the soil.
   
   e. Proposals for other improvements such as electric utilities.

16135.015 Preliminary Plat Approval Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

A. The proposed preliminary plat complies with the applicable Development Code chapters and all other applicable ordinances and regulations. At a minimum, the provisions of this section and the applicable sections of this chapter including Zoning Districts, Development Standards, and Streets and Facilities shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the Variance section of chapter 16.185;

B. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

C. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;
D. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

E. Evidence the improvements or conditions required by the City, road authority, Washington County, Clean Water Services, special districts, utilities, and/or other service providers, as applicable to the project, have been or shall be met;

F. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and

G. If any part of the site is located within a Specific Area Plan District, Overlay District, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions. If a Floodplain Development Permit or Significant Natural Resource Overlay Permit is required for the development of the subdivision, the Floodplain Development Permit or Significant Natural Resource Overlay Permit must be approved PRIOR to approval of the subdivision preliminary plat. In most cases, this will require two separate hearings before the Planning Commission.


In addition to the provisions of this chapter, all lots and parcels shall conform to the specific requirements below, as applicable:

A. In conformance with the Uniform Fire Code (UFC), a 20-foot wide fire apparatus drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.

B. When a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision. The minimum drive width shall be 10 to 15 feet, except as required by the UFC, and improved with an all-weather surface approved by the City.

C. Access reserve strips may be required to be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

D. Street and building placement and alignment shall be designed so that all future street connections can be made as surrounding properties develop.

16.135.030 Flag Lot

Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwellings units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for
more units. A driveway serving more than one lot shall be a minimum of 15 feet wide, except as required by the UFC, and have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from a hydrant of insufficient fireflow.

16.135.035 Conditions of Approval

The City may attach such conditions as are necessary to carry out provisions of this code, and other applicable city ordinances and state regulations.

16.135.040 Preliminary Review of Tentative Subdivision Plan

A. Upon receipt of a complete application, the City shall refer copies of the tentative subdivision plan and supplementary material to affected agencies for review and comments.

B. The City shall prepare a staff report and recommendation on the tentative subdivision plan for the Planning Commission. The City may recommend approval of the tentative plan as submitted or as it may be modified in accordance with Section 16.135.011 Preliminary Plat Approval Criteria. The City may attach any reasonable conditions found necessary to carry out the purposes of this or any other City ordinance or State statute.

C. If the City recommends denial, the staff report and recommendation shall set out clearly the grounds for denial and shall clearly inform the applicant of the changes or modifications needed to allow the lawful division of the property.

D. Upon receipt of the City's staff report and recommendation, the Planning Commission shall hold a public hearing to give consideration to the tentative subdivision plan. The Planning Commission may approve the tentative plan as submitted or as it may be modified by recommendation of the City or Planning Commission.

E. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.

F. The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be retained by the City and the other shall be returned to the applicant with a written statement of the Commission's action.

16.135.045 Expiration of Tentative Approval
Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within two years after the date of the approval of the tentative plan. If the subdivider cannot complete the recording of the final plat within the two-year time period, the subdivider may petition the City for an extension of the subdivision approval in accordance with the provisions of Section 16.080, Termination of Approvals and Extensions.

16.135.050 Phasing of Development

If requested in the original application, a large subdivision may be approved for phased development. The final plat for the first phase of such a phased subdivision shall be submitted within two years of the date of approval of the tentative plan. Final plats of subsequent phases may be submitted after the two year limitation, provided that each phase complies with the approved tentative plan of the subdivision. Request for extensions of subdivision approvals may be made in accordance with the General Provisions of this chapter. However, in no case shall the final plat for the last phase be submitted more than 10 years after the approval of the tentative plan.

16.135.055 Final Subdivision Plat

A. Submittal of Final Subdivision Plat

Within two years after approval of the tentative plan, the sub-divider shall have the subdivision surveyed and a plat prepared which conforms to the approved tentative plan. Unless a request for an extension of the subdivision approval is made in accordance with the provisions of Section 16.080.

B. Information on Plat

The applicant shall submit one (1) original, one (1) additional hard copy and one electronic copy of the final subdivision plat. The following information shall be included on the plat:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
   a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
   b. Adjoining corners of adjoining subdivisions.
   c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

2. The exact location and width of streets and easements intercepting the boundary of the tract.
3. Tract and lot boundary lines and street right-of-way and center lines, with
dimensions, bearing or deflection angles, radii, arcs, points of curvature and
tangent bearings.

4. The width of the portion of streets being dedicated and width of existing right-of-
way. For streets on curvature, curve data shall be based on the street center
line. In addition to the center line dimensions, the radius and central angle shall
be indicated.

5. Easements denoted by dashed lines, clearly identified and, if already of
record, their recorded reference. If an easement is not definitely located of
record, a statement of the easement shall be given. The width of the
easement, its length and bearing, and sufficient ties to locate the easement
with respect to the subdivision shall be shown. If the easement is being
created by the map, it shall be properly referenced in the Declaration of the
Plat.

6. Lot numbers beginning with the number "1" and continuing consecutively
without omission or duplication throughout the subdivision.

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

8. All plats must be signed and sealed in accordance with ORS 92.

C. Supplemental Information with Plat

The following information shall accompany the final plat:

1. A preliminary title report issued by a title insurance company in the name of
the owner of the land, showing all parties whose consent is necessary and
their interest in the premises.

2. Sheets and drawings showing the following:

   a. Traverse data including the coordinates of the boundary of the subdivision
      and ties to section corners and donation land claim corners, and showing the
      error of closure, if any.

   b. The computation of distances, angles and courses shown on the plat.

   c. Ties to existing monuments, proposed monuments, adjacent subdivisions,
      street corners and state highway stationing.

3. A copy of any deed restrictions applicable to the subdivision.

4. A copy of any dedication requiring separate documents.
5. A list of all taxes and assessments on the tract which have become a lien on the tract.

D. Technical Plat Review

1. Upon receipt of the final plat, the plat and other data shall be reviewed by the City to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that the subdivision is in compliance with provisions of state law and this ordinance.

2. The City Engineer may make such field checks as are necessary to verify that the map is sufficiently correct on the ground.

3. If the City Engineer and City determine that changes of additions must be made to the final plat, they shall notify the sub-divider and afford the subdivider an opportunity to make the changes or additions.

16.135.060 Final Subdivision Plat Review

A. The final subdivision plat shall be submitted to the City for review pursuant to the requirements sections of this chapter. The City shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City shall signify approval of the final mylar plat by signing the plat sheet. However, if the plat includes dedication of any newly created public roads the City, by ordinance, shall either accept a deed of dedication on a form acceptable to the City, or sign an acceptance of dedication on the final plat. Any substantial changes to the final plat from the preliminary plat must be approved by the original approval authority and is processed as a modification.

B. A sub-divider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of the last required approving signature has been obtained.

C. At the time of submittal for final approval, the sub-divider shall pay to the City a final plat filing fee to defray the cost incurred by the City in checking, investigating, and otherwise reviewing the final plat for conformance to all applicable laws. The final plat filing fee must be paid at the time of submittal, in no way assures approval and cannot be refunded.

16.135.065 Improvements/Bonding

Prior to the recording of the Final Subdivision Plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed


through an irrevocable letter of credit, assignment of bank account, performance bond, cash or other instrument acceptable to the City Attorney. The assurance sum shall cover the cost of the improvements and repairs, including related engineering and incidental expenses identified in an itemized improvement estimate provided by the developer and certified by a registered civil engineer. A Development Agreement between the City and the developer shall be recorded with the final plat. In the event the developer fails to carry-out the provisions of the agreement, and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit letter of credit or other instrument for reimbursement. The developer shall not cause termination of nor allow expiration of the guarantee without first having secured written authorization from the City.

16.135.070  Recording

The applicant is responsible for recording the final subdivision plat with Washington County. A building permit shall not be issued nor a lot be sold, transferred, nor assigned until the subdivision has been recorded. However, parent lot deemed legal lot(s) of record may qualify subject to the setbacks of tentative plat approval.

16.135.075  Re-platting, Vacation, or Changes to Approved Land Divisions

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all the owners as appearing on the deed or current title report. Further any change to a map of an approved or recorded land division that affects a street, public use, property line, number of lots, or the provision of public services may be requested upon receiving application by all owners as appearing on the deed. All requests for re-plat, a plat vacation or a change to an approved or recorded land division shall be processed in accordance with the procedures and standards for approval of a subdivision or partition.