ORDINANCE NO. 445


WHEREAS, the City of North Plains Planning Commission initiated an update of five sections of the Zoning and Development Ordinance, Chapter 16 of the Municipal Code, in order to update the city’s sign regulations and provide an administrative review process for certain floodplain development permits; and

WHEREAS, the sections of the Zoning and Development Ordinance included in this recommendation are:

- Chapter 16.065 Floodplain Overlay (FP)
- Chapter 16.080 (Signs)
- Chapter 16.085 (Home Occupations)
- Chapter 16.170 (Administrative Procedures)
- Chapter 16.175 (Design Review); and

WHEREAS, the Planning Commission conducted a public hearing, and reviewed the proposed code changes and staff report at its meeting on April 12, 2017 and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a duly noticed public hearing, and reviewed the proposed code changes, Planning Commission recommendation and staff report at its meeting on May 1, 2017; and

WHEREAS, having considered the application, the evidence in the record and the applicable criteria, the City of North Plains City Council approved File No. 17-032 (Zoning Code Amendments- Signs and Floodplain), amending Sections 16.065, 16.080, 16.085, 16.170 and 16.175 of the Zoning and Development Ordinance (Chapter 16 of the Municipal Code); and

WHEREAS, the approved changes to the Zoning and Development Ordinance (Chapter 16 of the Municipal Code) are included as Exhibit A, attached hereto.

THEREFORE, THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The Municipal Code shall be amended to reflect the approved changes, as shown in “Exhibit A”, attached hereto.

INTRODUCED, this 1st day of May, 2017 and ADOPTED this 15th day of May, 2017.

CITY OF NORTH PLAINS, OREGON

Ordinance No. 445
Zoning and Development Ordinance Amendment: Signs and Floodplain Overlay District
May 15, 2017
By: [Signature]
Teri Lenahan, Mayor

ATTEST:

By: [Signature]
Lori Lesmeister, City Recorder
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 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 floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

**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. The base flood is also referred to as the "100-year flood." Designation on maps always includes the letter A.

**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.
Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: 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 Planning Commission of the City of North Plains shall be the City’s Floodplain Administrator.

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 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 allows the entry and exit of flood waters.

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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days and built on a permanent foundation.

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 this ordinance.

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, 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 previous condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration
affects the external dimensions of the structure.

The term does not, however, include either:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**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”, effective November 4, 2016, 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.

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 Planning Commission is hereby appointed 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 (D) are met.

2. **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.

3. **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.

4. **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.

5. **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.

**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.

D. **Subdivision Proposals**

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

2. 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;

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

4. Base flood elevation (B.F.E) 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.

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 (C) 1-3.

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 PROCEDURE**

All variance requests are processed by the City according to the specifications set forth in Section 16.185 of the Zoning and Development Ordinance.
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 buildings 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. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

J. **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.

16.80-2
during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

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

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

L. 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.

M. Ground Sign - A permanently affixed sign which is wholly independent of a building for support.

N. 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.

O. Monument Sign - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.

P. 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.

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

R. Non-Conforming Sign - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
S. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

T. **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.

U. **Portable Sign** - A sign that is at all times movable by hand. A portable sign includes sandwich boards and yard signs.

V. **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.

W. **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.)

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

Y. **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.

Z. **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.

AA. **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.

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

DD. **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.

EE. **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.

FF. **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.

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.
   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.
   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.
   d. Homeowner Association Meeting and/or announcements not exceeding 4 square feet.
   e. Changeable copy signs for institutional uses, not exceeding 20 square feet.
   f. One (1) monument 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 sign.
   g. One (1) monument 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. Temporary signs, except as permitted in Section 16.80.09.01aO(A)(2)
5. Snipe Sign
6. 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 the 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 16.80.000 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 foot of elevation over 8 feet to a maximum projection of 3 feet.

i. One monument 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 sign not exceeding 32 square feet for each driveway, except that monument 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 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 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
   c. Snipe sign

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

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 Section 16.80.010.
2. Signs located in the commercial portions of the NC zone shall comply with signs allowed in the C-1 zone.

3. Signs in mixed use areas shall comply with signs allowed in C-1 zone.

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
3. Temporary signs, except as permitted in Section 16.80.010(A)(2)
4. Snipe Sign

16.080.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 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 sign not exceeding 32 square feet for each driveway, except that monument 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 that meet 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 sign not exceeding 32 square feet for each driveway, except that monument 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. Snipe sign
   e. 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. Snipe sign
   e. Changeable copy sign, except gasoline price signs

16.080.030 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.

D. Portable signs are considered temporary signs for the purposes of this ordinance.

E. All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.

F. 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.

16.080.035 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.

16.080.040 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.

16.080.045 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.

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 16.085
Home Occupations

16.085.000 General Provisions

The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code:

1) Administrative Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has a current business license and all other uses and structures on the subject property are in conformance with the applicable zoning; and

2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Conditional Use Home Occupation procedure under Chapter 16.180, and must obtain an applicable city business license.

16.085.005 Standards for Administrative Home Occupations

1. Appearance of Residence:

a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business and may not exceed 25% of the floor area of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding

b. The home occupation shall not eliminate any required off street parking spaces for the dwelling

c. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

d. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).

e. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
2. Storage:

a. Outside storage, visible from the public right-of-way or adjacent properties that exceed what is customary for a single family residence in the vicinity, is prohibited.

b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees:

a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full-time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.

b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.

c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs:

Signs shall comply with all applicable sign regulations.

5. Vehicles, Parking and Traffic:

a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 5 p.m. to 8 a.m.
c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 7 p.m. only, Monday through Saturday subject to subsections 1 and 5, above.

7. Prohibited Home Occupation Uses:

a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.

b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants and similar incidental items for sale by home business is allowed subject to 1-6, above.

c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

   (1) Ambulance service;

   (2) Animal hospital, veterinary services, kennels or animal boarding;

   (3) Auto and other vehicle repair, including auto painting; and

   (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: The City Manager or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice.
16.085.010 Standards for Home Occupations that require a Conditional Use Permit

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the provision for an Administrative Home Occupation that allow home occupations as outright permitted uses that do not require a Conditional Use Permit. This section provides a process for more intense home occupations to be allowed with Conditional Use Permit approval by the Planning Commission and notice to surrounding property owners.

These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

A. Approval Process and Criteria.

1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards required for an Administrative Home Occupation shall be processed as a Conditional Use procedure, as governed by Chapter 16.180 using the approval criteria in subsection 2, below. In addition to the application requirements for a quasi-judicial procedure, the applicant shall provide:

a. A written narrative or letter:

(1) Describing the proposed home occupation;

(2) Demonstrating compliance with those standards in Section 16.85.005 That can be met, and explaining why the other standards in Section 16.85.005 above cannot be met and;

(3) Demonstrating compliance with the criteria in subsection 2 below;

b. A site plan, not necessarily to scale but with accurate measurements, of the lot proposed for the home occupation, including:

1. The property lines and their dimensions;

2. Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
3. Boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
4. Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
5. Identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

c. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use home occupation based on all of the following criteria:

   a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;

   b. Impacts to surrounding properties may exist but can be mitigated;

   c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with an administrative home occupation.
Chapter 16.170

APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Administration, Limited Land Use, Quasi-Judicial & Legislative Decisions

16.170.000 General Provisions

The following lists set forth the type of review procedure for administrative and land use applications:

A. Type I Administrative Permits by City Staff
   1. Accessory Structures, residential
   2. Extension for a Type I Permit
   3. Fence, Wall and Hedge Permit
   4. Home Occupation Permit Type 1
   5. Sign Permit
   6. Building Permit (plot plan review)
   7. Code Interpretation
   8. Final Plat with Minor Modifications
   9. Grading Permit
   10. Lot of Record Determination
   11. Lot Line Adjustment Permit
   12. Right-of-Way Permit
   13. Temporary Use Permit for a Sales Office or Model Home
   14. Floodplain Development Permit as determined by Chapter 16.065.015.A

B. Type II Land Use Permit by the City Manager, Planner, or Engineer
   1. Accessory Structures, non-residential up to 500 square feet or 20% of existing structure, whichever is greater
   2. Minor Design Review
   3. Minor Modifications to development approvals per code
   4. Minor Variance Permit
   5. Other application not specifically described
   6. Temporary use for seasonal and special events
   7. Extension of Type II Permit
   8. Minor Land Partition without Right-of-Way Creation
C. **Type III Quasi-Judicial Permits by Planning Commission**
   1. Appeal of Type I and Type II Land Use Decisions
   2. Conditional Use Permit
   3. Design Review Permit
   4. Final Plat approval with major modifications
   5. Extensions of Type III Permits
   6. Flood Plain Development Permit as determined by Chapter 16.065.015.A
   7. Historic Overlay Demolitions
   8. Home Occupation (conditional use)
   10. Multi-family Dwellings (conditional use)
   11. Nonconforming Structure/Use Permit
   12. Planned Unit Development Permit
   13. Significant Natural Resource Permit
   14. Similar Use Permit
   15. Subdivision Permit
   16. Major modifications to Development Approvals
   17. Variance Permit
   18. Historic Overlay Alterations
   19. Accessory Structures, non-residential over 500 square feet or 20% of existing structure, whichever is greater.
   20. Heritage Tree
   21. Temporary Use Permit for a Building, Kiosk or Structure

D. **Type IV: Legislative & Other Decisions made by both the Planning Commission and City Council**
   1. Appeal from Planning Commission
   2. Annexation
   3. Comprehensive Plan Map or Text Amendment
   4. Zoning Code Map or Text Amendment

**16.170.001 Pre-application Conference**

A pre-application conference is recommended for Type II and required for Type III and IV permits. The City Manager may waive this requirement in writing.
The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference the City Planner shall identify the relevant comprehensive plan policies, map designations, zone and development standards and procedural requirements that apply to the application. The planner, staff and affected agencies shall provide technical direction and identify opportunities or constraints concerning the application.

Failure of the City to provide any information required by this section does not constitute a waiver of any of the standards, criteria or requirements for the application. Due to possible changes in federal, state, regional and local law, the applicant is responsible for assuring the application complies with all applicable laws on the day the application is deemed complete.

16.170.002 Neighborhood Meeting

The applicant or the applicant’s representatives should meet with adjacent property owners and neighborhood representatives prior to submitting an application to the City in order to solicit input and exchange information about the proposed development. The applicant for a Type III application must provide for a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant must provide for a meeting with adjacent property owners within a radius of 250 feet of the development site.

16.170.003 Traffic Impact Study

The purpose of this section is to assist in determining compliance with Section 660-012-0045 (2) of the State Transportation Planning Rule that requires the City to identify potential traffic impacts and apply conditions to development proposals to minimize certain impacts and protect transportation facilities.

This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts, when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities, what must be in a Traffic Impact Study, and who is qualified to prepare the Study.

A. When a Traffic Impact Study is required.

The City or other authority with jurisdiction over an affected roadway may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may shall be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation;
2. Any proposed development that the road authority determines will have adverse operational or public safety impacts to the facility;

3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or

4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or

5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

6. The location of an access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles leaving or entering the property will queue or hesitate on the State Highway, creating a safety hazard; or

7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation.

A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT’s regional development review planner and OAR 734-051-180.

C. City Street Improvement Requirements.

In addition to street improvement requirements in this code for new development, see Chapters 16.145 and 16.150 for street improvement requirements related to residential and commercial and industrial developments and expansions.

16.170.010 Type I Administrative Review by City Staff

Type I administrative applications are reviewed under clear and objective criteria. If a Type I application requires the exercise of discretion, the City shall process the request as a Type II application. Review of a Type I administrative applications described in Section 16.170.000A shall be reviewed by the City Staff according to the following procedures:

A. An application shall be made on forms provided by the City and shall include the property owners signature of consent.

B. A dated notice shall be given to the applicant when the application is deemed complete. Within 120 days of this notification, unless extended with the consent of the applicant, the City shall issue a written decision.
C. The decision shall be based on all applicable provisions of this development code and accompanied by written findings of fact which support the decision, where applicable.

D. Written notice of the decision shall be provided to the applicant and anyone who requested notice of the decision in writing.

E. The City’s written decision is final unless appealed to the Planning Commission. See Appeals section of this chapter.

16.170.011 Type II Land Use Decisions by City Manager or Planner

A Type II land use application described in Section 16.170.000.B shall be reviewed according to the following procedures:

A. Application forms.

An application shall be made on forms provided by the City Planner or designee. If the application is referred to a quasi-judicial hearing, either voluntarily by the applicant or by staff, a new application is not required.

B. Submittal Information. The application shall:

1. Be made on forms provided by the City and shall include the property owner’s signature of consent. Applicants who are entities with condemnation authority are not required to provide an owner’s signature.

2. Be filed with one copy of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making.

3. Be accompanied by the required fee pursuant to Chapter 16.00.070; and

4. Include one set of pre-stamped and pre-addressed envelopes for the record owner of all real property located within 250 feet of the site. The records of the Washington County Assessor’s office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant’s request, and upon payment of the appropriate fee, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

C. Completeness
Within 30 days of receiving the application, the City shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, or 14 days to submit a refusal statement or withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.

D. Final Action

Final action on the application shall occur within 120 days of the date the application is deemed complete unless extended by the applicant in writing.

E. Hearing Option

The City Planner or the applicant may request a public hearing on the application before the Planning Commission. The procedures for the public hearing are described in Section 16.170.012.C and D. The applicant is responsible for the additional city costs associated with the public hearing.

F. Notice. The City shall mail notice of the application to:

1. The applicant.
2. All owners of record of property within 250 feet of the subject site.
3. Any person who submits a written request to receive a notice and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, or required by State statute.
4. The road authority, or rail authority and owner, when a proposed development abuts or affects the rail or transportation facility.
5. The City may notify other affected agencies, as appropriate, of the application.

G. Contents of Notice. The notice shall:

1. Provide a 14-day period for submitting written comments.
2. Explain the nature of the application and the proposed use or uses which could be authorized.
3. Describe the site by the street address or other easily understandable reference.
4. List the applicable criteria from the ordinance and the plan that apply to the application at issue.

5. State the place, date and time that comments are due and the person to whom the comments should be addressed, including the name and telephone number of the contact person.

6. State that the failure to address an issue with enough detail may preclude an appeal on that issue. Only comments on the applicable criteria are considered relevant evidence.

7. State that all evidence relied upon by the City to make this decision is in the public record and available for public review. Copies of the evidence may be obtained at a reasonable cost from the City.

8. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

H. Decision

The City Manager or Planner shall review the application and make a decision based on an evaluation of the application, the evidence and the applicable criteria as set forth in this code.

I. Conditions of Approval

1. Authorization of Approval. Approval of a land use application may be granted subject to conditions. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall either ensure compliance with standards of the Code or may be added to address a need for public services created by the proposed use.

2. Timing of Conditions and Development Agreement. Unless otherwise specified in the decision, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City Planner may require a performance bond or other guarantee to assure compliance with zoning regulations or fulfillment of required conditions. The City may also require a development agreement between the City and the owner or developer to specify the developer’s or owner’s obligations for completing construction and any public improvements.
3. **Modify Conditions.** A request to change or alter conditions of approval shall be processed as a new land use action under the same procedure that was used for the initial approval.

**J. Notice of Decision.**

1. Within five (5) working days after a decision is made, a Notice of Decision shall be transmitted to:
   a. The applicant and all property owners or contract purchasers of record.
   b. Any person who submits a written request to receive notice of the decision, or provides comments during the application review period.
   c. Any governmental agency entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

2. The City Planner or designee shall cause an affidavit of transmission to be prepared and made a part of the file. The affidavit shall show the date the notice was transmitted, demonstrate that the notice was sent to the parties above and within the time required by law.

3. The Notice of Decision shall contain a description of the proposal, where to obtain the decision, the date the decision becomes final unless appealed, and a statement of who may file an appeal, how to file an appeal and the deadline to file an appeal.

4. Effective Date: The Decision is final for purposes of appeal when it is sent by the city. The decision is effective the day after the appeal period expires or as otherwise provided in the decision.

**K. Appeals.** A decision issued by the City Manager or Planner under this section may be appealed to the Planning Commission as described in the appeals section of this chapter.

**16.170.012 Type III Quasi-Judicial Decisions by the Planning Commission**

A pre-application conference is required for all Type III quasi-judicial applications under this Section. The City Manager may waive this requirement at the request of the applicant.

**A.** The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.
B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include all property owner's signatures of consent. Entities with condemnation authority are not required to provide a consent signature.

2. Submittal Information. A quasi-judicial application shall include:
   a. The information requested on the application form;
   b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards in sufficient detail for review and decision-making.
   c. The required fee pursuant to Chapter 16.00.070;
   d. One set of pre-stamped and pre-addressed envelopes for the record owner of all real property located within 250 feet of the site. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of the fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

3. Completeness. Within 30 days of receiving an application for a Type III application, the City staff shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete, the City Planner shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, a refusal statement, or to withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.

4. Final Action. Final action on an application under this section shall occur within 120 days of completeness pursuant to Chapter 16.00.090.

C. Notice of Application.

1. Mailed notice. The City shall mail and publish notice of a Type III application. The records of the Washington County Assessor's Office are the official records for determining ownership. Notice of the initial hearing or an appeal hearing shall be given by the City in the following manner:
a. At least 20 days before the hearing date, notice shall be mailed to:

i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

ii. All property owners of record within 250 feet of the site;

iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;

iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

vi. Any person who submits a written request to receive notice;

vii. For appeals, the appellant and all persons who provided testimony in the original decision;

viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

b. The City Planner or designee shall prepare an affidavit of notice. The affidavit shall state the date that the notice was mailed to the persons who must receive notice; and

c. At least 14 days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper’s affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of a Type III application shall contain the following information:

a. The nature of the application and the proposed land use or uses that could be authorized for the property;
b. The applicable criteria and standards that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in sufficient detail to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals or the circuit court;

f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards are available for inspection at North Plains City Hall at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at reasonable cost;

i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

j. The following notice: “Notice to mortgagee, lien holder, vendor or seller: if you receive this notice it shall be promptly forwarded to the purchaser.”

D. Conduct of the Public Hearing

1. At the commencement of the hearing, the hearings body shall state:

a. The applicable approval criteria and standards that apply to the application or appeal;

b. That testimony and evidence must address the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
c. That failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made on that issue;

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.

4. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

5. An extension of the hearing or record is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;

6. Unless expressly waived by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application. The applicant's final submittal shall be part of the record but shall not include any new evidence;

7. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
8. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports).

9. Participants in a land use hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible.
   a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts concerning the application or appeal. The member shall state whether the contact has impaired the member’s impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
   b. A member of the hearings body shall not participate in any proceeding in which they have a direct or substantial conflict of interest. Any actual or potential conflict of interest shall be disclosed at the hearing;
   c. A member of the hearings body may be disqualified due to contacts or conflict and may be ordered not to participate in the vote by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
   d. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner subject to the impartiality rules in this section. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.
   e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall make the decision;
   f. Any member of the public may raise conflict of interest issues prior to ordering the hearing, to which the member of the hearings body shall reply in accordance with this section.

E. **Ex parte communications**

A decision or action of the hearings body is not invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and

2. Publicly announces the content of the communication and the participants’ right to dispute the substance of it. The announcement shall be made at the first hearing following the communication.

3. Communication between City staff and the hearings body is not ex parte contact.

F. Presenting and receiving evidence.

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

2. Verbal testimony shall not be accepted after the record is closed. Written testimony may be received after the close of the public hearing, only as provided in Section D. Conduct of Hearing;

3. A member of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support the member’s decision, provided the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

G. The Decision Process.

1. Basis for decision. Approval or denial of a land use application shall be based on standards and criteria in the development code and other applicable laws.

2. Findings and conclusions. The decision shall include written findings that explain the relevant criteria and standards, the facts relied on in rendering the decision, and justify the decision according to the criteria, standards, and facts.

3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2 and any conditions of approval. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required.

4. Decision-making time limits. A final order for an action under this section shall be filed with the City Planner or designee within ten business days after the close of the deliberation.
5. Notice of Decision. Written notice of a decision under this Section shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of a person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

6. Final Decision and Effective Date. The decision of the hearings body on an application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notice and hearings procedures for a quasi-judicial application on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within the period required by state law.

H. Appeals. A decision issued by the Planning Commission under this section may be appealed to the City Council as described in the appeals section of this chapter.

16.170.013 Type IV Legislative and Other Decisions

A. Pre-Application Conference

A pre-application conference is required for all Type IV legislative applications initiated by a party other than the City of North Plains. The City Manager may waive this requirement upon request of the applicant. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

B. Timing of Requests

The City accepts legislative requests at any time. The City Council may initiate its own legislative proposals at any time.

C. Application Requirements.

1. Application forms. A legislative application shall be made on forms provided by the City.

2. Submittal Information. The application shall contain:
   a. The information requested on the application form;
   b. A map and/or plan addressing the appropriate criteria and standards insufficient detail for review and decision (as applicable);
   c. The required fee pursuant to Chapter 16.00.070; and
d. One copy of a letter or narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.

D. Notice of Hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all legislative applications.

2. Notification requirements. Notice of public hearings for the application shall be given by the City in the following manner:

   a. At least 10 days before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, rezone property, or amend the development code a notice shall be mailed to:

   b. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment if a zone change will be required to implement the proposed comprehensive plan amendment);

   c. Owners of property within 250 feet of property to be rezoned.

   d. Any affected governmental agency;

   e. Any person who requests notice in writing;

   f. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

   g. For a zone change affecting an airport, the owners of the airport in accordance with ORS 227.175.

3. At least 10 days before the first evidentiary hearing, public notice shall be published in a newspaper of general circulation in the City.

4. The City Planner or designee shall:

   a. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 2.a; and
b. For each published notice, file in the record the affidavit of publication in a newspaper that is required in Subsection 3.

c. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received, or at such lesser time as the law may allow. The notice to DLCD shall include a DLCD Notice of Proposed Change Form.

d. Notice of a proposed annexation shall follow the provisions of Chapter 16.205.

e. Content of notices. The mailed and published notices shall include the following information:

i. The number and title of the file containing the application, and the address and telephone number of the City Planner or designee’s office where additional information about the application can be obtained;

ii. The proposed site location;

iii. A description of the proposed site and the proposal in enough detail to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

iv. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure 16.170 - 19 adopted by the Council and available at City Hall (See Section E. below); and

v. Each mailed notice required by Section D above shall contain the following statement: “Notice to mortgagee, lien holder, vendor, or seller: If you receive this notice it shall be promptly forwarded to the purchaser.”

f. Failure to receive notice. The failure of a person to receive notice shall not invalidate the action, provided:

i. Mailed notice is deemed given where the notice is deposited with the United States Postal Service;

ii. Published notice is deemed given on the date it is published.
E. **Hearing Process and Procedures**

Unless otherwise provided in the rules of procedure adopted by the City Council:

1. The presiding officer of the Planning Commission and of the City Council have the authority to:
   
   a. Regulate the course, sequence, and decorum of the hearing;
   
   b. Direct procedural requirements or similar matters;
   
   c. Impose reasonable time limits for oral presentations.

2. A person may not address the Commission or the Council without:
   
   a. Receiving recognition from the presiding officer; and
   
   b. Stating the person’s full name and address.

3. Disruptive conduct such as, but not limited to, applause or cheering may be cause for expulsion from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

4. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
   
   a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
   
   b. The City Planner or designee’s report and other applicable staff reports shall be presented;
   
   c. The public shall be invited to testify. The public hearing may be continued to allow additional testimony or it may be closed; and
   
   d. The body’s deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

F. **Continuation of the Public Hearing**
The Planning Commission or the City Council may continue any hearing and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

G. Approval Process and Authority

1. The Planning Commission shall:

   a. After notice and a public hearing, prepare and vote on a recommendation to the City Council whether to approve, approve with modifications, approve with conditions or deny the proposed change, or adopt an alternative; and

   b. Within 14 days of adopting a recommendation, the presiding officer shall sign the written recommendation and it shall be filed with the City Planner or designee.

   c. Any member of the Planning Commission who votes in opposition to the Planning Commission’s majority recommendation may file in the City planning file a written statement of opposition prior to the hearing on the proposal before the City Council. City planning staff shall send a copy to each Council member and place a copy in the record;

2. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, City staff shall:

   a. Report the failure together with the proposed change to the City Council;

   b. Provide notice and put the matter on the City Council’s agenda for the City Council to hold a public hearing and make a decision. Thereafter, no further action shall be taken by the Commission.

3. The City Council shall:

   a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

   b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission’s recommendation; and
4. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

H. Vote Required for a Legislative Change

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, and approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

I. Notice of Decision

Notice of a Legislative decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development (DLCD), within five (5) days after the City Council’s decision, per DLCD regulations. The City shall also provide notice to all persons as required by other applicable laws.

J. Final Decision and Effective Date

A Legislative decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

K. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

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

3. The official record shall include:
   a. All materials considered by the hearings body;
   b. All materials submitted by City staff to the hearings body regarding the application;
   c. The verbatim record made by the stenographic, mechanical or electronic means; the minutes of the hearing; and other documents considered;
d. The final ordinance;
e. All correspondence; and
f. A copy of the notices that were given as required by this Chapter.

160.170.015 Appeals

A decision issued under the procedures of this chapter may be appealed to the Planning Commission or City Council as follows:

A. Who may appeal.
The following people may appeal a land use Decision:

a. The applicant or owner of the subject property;
b. Any person who was entitled to written notice of the decision;
c. Any other person who participated in the proceeding by submitting written comments.

B. Appeal filing procedure.

a. Notice of appeal. A person described in subsection A above may appeal the decision by filing a Notice of Appeal.

b. Time for filing. A Notice of Appeal shall be filed with the City Planner or designee within 14 days of the date the Notice of Decision was mailed.

c. Content of Notice of Appeal. The Notice of Appeal shall:

i. Identify the decision being appealed, including the date of the decision;

ii. Demonstrate that the person filing the Notice of Appeal has standing to appeal;

iii. Explain the specific issues being raised on appeal; and

iv. Include the filing fee for each appeal.

C. Scope of appeal.
Appeal of a Type I or Type II Land Use Decision shall be to a de novo hearing before the Planning Commission. The hearing appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review by the City Staff. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criteria, condition or issue.

4. Appeal procedures.

Quasi-Judicial notice, hearing procedures and decision process shall also be used for all appeals under this section;

5. Appeal to City Council.

A decision of the Planning Commission regarding a land use issue or an appeal of a Type II Limited Land Use Decision is the final decision of the City unless appealed to City Council. An appeal to City Council is de novo and shall be based on the record before the Planning Commission public hearing and any new evidence or testimony entered into the record before the City Council without substantive changes to the application reviewed by the Planning Commission. The appeal shall follow the same notification and hearing procedures as for the original Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is sent by the City. The City Council’s decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.
Chapter 16.175
Design Review

16.175.000  Purpose

The purpose of Design Review Approval is to insure compliance with the objectives and provisions of this ordinance and the Comprehensive Plan; to mitigate the impacts where development may cause a conflict between uses in the same or adjoining zones, to reduce and eliminate unsightly, unhealthful or unsafe conditions, which adversely affect the public health, safety, and general welfare.

This section is designed to address the location and design of a use that is allowed within the zone. In considering the design review requirements, the City shall take into account the impact of the proposed development on nearby properties, the capacity and circulation of the street system, the capacity of the utility and service systems, and the appearance of the street and the community.

16.175.005  Design Review Approval Requirements

A building, grading, parking, or development permit, as specified in this chapter shall not be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a design review application is approved by the City.

16.175.010  Design Review Approval Procedures

Design review is required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of existing materials (e.g. roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

A. Limited Land Use Design Review – Type II. A Type II Land Use Design Review application is conducted by the City without a public hearing and in accordance with this chapter. This procedure shall be used when the City finds that the applicable standards are primarily clear and objective but may require a limited exercise of discretion. This procedure is for changes in land use and developments that do not require a conditional use permit or comprehensive design review approval. A limited land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks, and orientation, lot coverage, building height, landscaping, parking and other development standards.

A Limited Land Use review is required for the types of changes in land use and development proposals listed below. Land uses and development exceeding the

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thresholds below require a Type III Design Review application.

1. A change in occupancy from one type of land use to a different land use;

2. A development proposal that increases lot coverage by no more than 10%;

3. Non-residential building additions up to 500 square feet or 20% of an existing structure, whichever is greater.

4. Minor modifications to development approvals that require one or more discretionary approval standards.

5. Minor alterations to a development that has a valid conditional use permit that require one or more discretionary approval standards, and as determined by Chapter 16.51;

6. Non-residential Accessory structures and accessory parking;

7. Having a condition for major public improvements where a specific plan was not considered (e.g., transportation facilities and improvements, parks, trails and similar improvements as determined by the City).

A Type II Limited Land Use Design Review shall be conducted prior to issuance of building permits, occupancy permit, business license or public improvement permits as determined by the City and an application shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by and meets the intent of the underlying land use district;

2. Adequate findings can be shown to address discretionary application criteria, and

3. When new development is proposed, the proposal is found to comply with the applicable sections of this chapter apply.

B. **Type III Design Review.** Type III design review applications are reviewed by the Planning Commission including a public hearing in accordance with this chapter. It applies to all development in the City, except those specifically listed or similar to those under “A.” above and the standards of this chapter.

16.175.115 **Filing Procedure**

Design Review Applications shall be filed on a Planning Department form as provided by the City and shall be accompanied by such drawings, sketches, and descriptions as
the City deems necessary to describe the proposed development. An application shall
not be deemed complete unless all information requested is provided.

16.175.020 Pre-Application Conference

If required, the applicant shall schedule a pre-application conference prior to filing a
Design Review Application.

16.175.025 Application

Following the pre-application conference, the applicant shall submit the formal
application to the City accompanied by the appropriate fee and application materials,
along with a site development plan and other information in accordance with the pre-
application meeting and the requirements of this chapter.

16.175.030 Filing

A design review application must be filed for any of the following uses, except for single
family or duplex construction and accessory structures and unless determined to be a
Type II limited land use review pursuant to 16.175.010(A).

A. New buildings or structures.

B. Building alterations substantially affecting the exterior design and/or dimensions
of an existing structure.

C. Any exterior alteration to an existing nonresidential use, which has not previously
been subject to design review, except for painting, the replacement of roofing
and siding material.

D. Any exterior alteration to an existing nonresidential use which has been subject
to design review.

E. Any alteration of site improvements, such as the landscaping in conjunction with
an existing nonresidential use which has been subject to design review.

F. Any new permitted land use on undeveloped property, such as parking lots,
concession stands, storage yards, etc.

G. Site grading of property affecting or altering the on-site or off-site drainage.

H. A change of use within a zone unless the use change will not affect parking, exit
requirements, and other standards of this ordinance.

I. The removal of a substantial portion of mature trees existing on-site.
16.175.035 **Design Review Plan - Submittal Requirements**

A. **Information Requirements.** Information provided on the design review plan shall conform to the following:

1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;

2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned;

3. An electronic copy of the drawings shall be submitted in Adobe Acrobat (.pdf) or other software format designated by the City.

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

B. **Site Analysis Diagram.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;

2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;

3. Natural drainage ways and other significant natural features;

4. All buildings, roads, retaining walls, curb-cuts and other manmade features;

5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

C. **Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.

D. **Site Development Plan.** This element of the design review plan shall indicate the following:

1. Legal description of the lot;

2. Boundary dimensions and area of the site;
3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;

4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;

5. All external dimensions of proposed buildings and structures;

6. The location of a building’s windows, doors, entrances and exits;

7. Parking and circulation areas, including their dimensions;

8. Service areas for such uses as the loading and delivery of goods;

9. Locations, descriptions and dimensions of easements;

10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;

11. Location of areas to be landscaped;

12. Private and shared outdoor recreation areas;

13. Pedestrian circulation;

14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;

15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;

16. Location, size and method of illumination of signs;

17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;

19. The location and names of all existing streets within or on the boundary of the proposed development;

20. A written summary showing the following:
   a) For commercial and nonresidential development:
i. The square footage contained in the area proposed to be developed,

ii. The percentage of the lot covered by structures,

iii. The percentage of the lot covered by parking areas and the total number of parking spaces,

iv. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,

b) For residential development:

i. The total square footage in the development,

ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),

iii. Percentage of the lot covered by:

   1) Structures
   2) Parking areas
   3) Recreation areas,
   4) Landscaping

E. **Landscape Plan.** Development proposals with a total project cost exceeding two hundred fifty thousand dollars may be required to shall have the landscape plan prepared by a licensed landscape architect. This element of the design review plan should indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;

2. The layout of proposed irrigation facilities;

3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;

4. The location, type and intensity of lighting proposed to illuminate outdoor areas;

5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.

F. **Architectural Drawings.** This element of the design review plan shall indicate the following:

1. A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;

2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;

3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;

4. Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide;

5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs, subject to the other applicable requirements of the Zoning and Development Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. **Architectural Model.**

1. Architectural models may be required for:
   a. All new construction, other than duplexes or triplexes,
   b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;
2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;

3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. Property Survey.

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;

2. Prior to the Planning Commission meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

16.175.040 Enginee r’s As s e ss me nt

Prior to the development of lots containing unstable soils as defined by this ordinance, the City shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the City shall prohibit development.

16.175.045 Documentation

All documentation and completed plans required by the Planning Commission shall be submitted and approved prior to obtaining any required permits or licenses.

16.175.050 Type III Design Review Criteria

Approval of a Type III Design Review application shall be based on the following criteria:

A. Relation of Site Plan Elements to the Environment

1. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.

2. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.
3. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.

4. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.

5. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.

6. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.

7. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.

8. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.

9. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site and neighboring properties.

10. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.

11. For any access within the Light Industrial (M-1) zone, the access shall be spaced a minimum of 200 feet from the nearest access on the same side of
the street; this is to be coordinated between O.D.O.T., Washington County and the City of North Plains.

B. **Required Landscaping**

**Areas Subject to Landscape Requirements:** All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.

1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.

2. Community Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.

3. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates, such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.

4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.

5. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.

6. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

C. **Landscaping in Parking and Loading Areas**

In addition to the above provisions, the following landscape requirements apply to parking and loading areas.

1. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.

2. A landscaped strip separating a parking or loading area from a street shall contain:
a) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and

b) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and

3. Vegetative ground cover if required.

4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

5. The landscaping in a parking area shall have a width of not less than three feet.

D. **Irrigation**

Provisions shall be made for watering planting areas where such care is required. Underground sprinklers may be required.

E. **Maintenance**

Required landscaping shall be continuously maintained.

F. **Special Requirements**

The Planning Commission may require the following, in addition to the minimum requirements and standards of this ordinance, as a condition of Design Review Approval.

1. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.

2. Additional off-street parking, according to specific requirements for the type of development.

3. Screening of the proposed use by a fence, or landscaping.

4. Limitations on the size, location, intensity and number of exterior lights.

5. Limitations on the number, and location of curb cuts.

6. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.

7. Landscaping, or increases in landscaping requirements for the site.
8. Limitations on the number and size of signs.

9. Review of and adjustments in design for conformance with the historic architectural design theme.

10. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

16.175.155 **Design Review - Specific Use Standards**

The following specific uses shall comply with the standards of the zone in which they are located and with the additional standards and conditions set forth in this section.

A. **Churches, or Other Religious Institutions or Hospitals**

   In residential districts, all buildings shall be setback a minimum of 30 feet from a side or rear lot line, no sign exceeding 10 square feet in area, nor internally illuminated, off-street parking screened from abutting residential property.

B. **Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming Clubs, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds**

   The Planning Commission may authorize these uses if it determines that the following will be provided:

   1. Access from principal streets subject to City Public Works Standards.

   2. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.

   3. Subject to site plan review if the use is located in a residential district, all such uses shall be located with off-street parking screened from abutting residential property. No sign exceeding 10 square feet in area, nor internally illuminated, shall be permitted. All buildings shall be set back a minimum of 30 feet from side or rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building. If located in a residential district design of a type that conforms with the type of allowed residential use adjacent to it is required.

C. **Schools**

   Nursery schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child. a
sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

D. **Multi-Family Dwelling(s)**

A multi-family dwelling and a multi-family dwelling complex shall comply with the following provisions:

1. The maximum number of dwelling units permitted by the applicable zone per gross acreage of a site (e.g., 24 dwelling units per acre in R-2.5) shall be based on the total surface area measured horizontally within the lot lines of the lot. The actual achievable density on the site may be less than the maximum allowable density due to site constraints such as easements, rights-of-way and environmental constraints. The maximum density may be increased as follows:

   a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.

   b. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.

   c. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.

2. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.

3. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.

4. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfaces, equipment or buildings suitable for recreational use. The Planning Commission may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.

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5. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.

6. A sight obscuring fence or hedge may be required by the Planning Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.

7. All structures associated with such a complex shall be set back 30 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.

8. Sidewalks or other approved surfaced pedestrian walkways within the complex shall be provided.

9. Bicycle parking facilities shall be provided.

10. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

The City shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under the above conditions. For the purpose of determining the fair market value, an appraisal performed by a state certified appraiser, or the latest value of the land as un-platted and without improvements as shown on the Washington County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area of park and recreation purposes or for the development of recreational facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing development.

Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

11. All such complexes shall provide adequate access.
12. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

E. **Recreational Vehicle Park**

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

1. **Use Standards.**

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

2. **Design Standards**

   a. The maximum density of an RV park shall be 15 units per acre.

   b. The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.

   c. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.

   d. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

   e. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
f. A recreational vehicle space shall be provided with electrical service.

g. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.

h. No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.

i. No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.

j. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

k. Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.

l. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.

m. 12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.

n. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
o. Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

F. **Bed and Breakfast Inn**

A Bed and Breakfast Inn shall comply with all applicable state laws and the following conditions:

1. No more than three (3) sleeping rooms shall be available for the accommodation of inn visitors.

2. No more than six (6) guests shall be accommodated at any one time.

3. One daily meal shall be provided to inn guests.

4. The exterior of the building shall maintain a residential appearance.

5. No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.

6. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.

7. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

G. **Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone**

These uses may be permitted conditionally subject to the following standards:

1. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when they find such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.

3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.
H. **Amusement Enterprise**

An amusement enterprise may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.

2. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

I. **Radio, Television Tower, Utility Station or Substation**

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

2. The use may be required to be fenced and landscaped.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

4. Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

16.175.060 **Violation**

Failure to comply with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of this chapter.