

ORDINANCE No. 775

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17, SECTION 17.04.100 "Definitions" and TITLE 17 Section 17.16.790 "FLOOD CONTROL REGULATIONS."

WHEREAS, the purpose of the City of Stayton Land Use and Development Code is to promote public health, safety, and general welfare, and minimize public and private loss due to flood conditions in specific areas by provisions designed; and

WHEREAS, the City of Stayton has adopted a flood damage prevention ordinance; and

WHEREAS, Federal Emergency Management Agency (FEMA) reviewed the ordinance and found discrepancies that need to be corrected to be in compliance with the National Flood Insurance Program;

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

For the purposes of this code, terms, phrases, words, abbreviations, and their derivatives shall be construed as specified herein:

ACCESSORY BUILDING: Means a subordinate building detached from or attached to a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises, but does not include dwellings or living quarters.

ACCESSORY, MOBILE HOME: An accessory is defined as any structural addition to a mobile home including awnings, carports, cabanas, porches, ramadas, storage buildings, and similar structures.

ACCESSORY USE: A use incidental, appropriate, and subordinate to the main use of a lot or building.

AFFECTED AREA: Unless otherwise specified, this shall include all property within 250 feet of the proposed project location.

ALLEY: A public way or thoroughfare not more than 20 feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access to property.

ALTERATION, STRUCTURAL: Any change or repair which should affect or materially change a supporting member of a building such as a bearing wall, column, beam, or girder.

APARTMENT: A room or suite of rooms within a structure which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

APPEAL: A request for a review of the decision authority's action on an application or interpretation of any provision of this code.

APPLICANT: The owner or record or contract purchaser.

APPLICANT REPRESENTATIVE: A person or persons with written legal authorization from the applicant to speak and act on behalf of the applicant.

AREA OF SHALLOW FLOODING: A designated AO or AH zone 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 flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on flood plain maps always includes the letters "A" or "V."

AUTOMOBILE OR TRAILER SALES AREA: A lot used for display, sale, or rental of new or used automobiles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold, or rented on the premises.

AWNING: Means any stationary structure, permanent or demountable, used in conjunction with a mobile home or other structure, other than window awnings, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters "A" or "V."

BASEMENT: That portion of a building between floor and ceiling which is partly below and above average grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

BED AND BREAKFAST: An accessory use to be carried on with a structure designed for and occupied as a single-family dwelling in which no more than five (5) sleeping rooms are provided on a daily or weekly period not to exceed twenty-nine (29) consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary by definition.

BLOCK: A parcel of land bounded by three (3) or more streets.

BREAKAWAY WALL: means a wall that is not part of the structural support of the building and is intended through design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Ord. 775, October 8, 1997)

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

BUILDING, COMMUNITY: A building for civic, social, educational, cultural, and recreational activities of a neighborhood or community group or association and not operated primarily for gain.

BUILDING, EXISTING: Any building upon which construction was lawfully begun prior to the effective date of amendments to this code may be completed and thereafter shall be considered an existing building.

BUILDING HEIGHT: The vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features which may exceed the district height limits.

BUILDING LINES: The lines indicated on the subdivision plat or otherwise described limiting the area upon which structures may be erected.

BUILDING, MAIN: A building in which is conducted a principal or main use of the main building site on which it is situated.

BUILDING OFFICIAL: That employee of the city empowered by the city council to administer and enforce building regulations.

BUILDING SITE: A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or a building or groups of buildings, which parcel, lot, or plot complies with all the requirements of this title relating to building sites.

BUILDING SITE, AVERAGE WIDTH: That figure obtained by dividing the total area of the parcel of land by the maximum depth of such parcel measured in the general direction of side lines.

CABANA: Means a stationary, lightweight structure, which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide additional living space meant to be moved with the mobile home.

CAMPGROUND OR CAMP GROUNDS: A premises under one ownership where persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks and trailer parks.

CAR PORT: A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, intended for use for sheltering a motor vehicle.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary when operated in conjunction with and within the boundary of such cemetery.

CITY ADMINISTRATOR: That official of the city hired or appointed by the council to serve at the pleasure of the council as chief administrative officer of the city.

CITY ATTORNEY: A licensed attorney hired or appointed by the council to provide legal advice and assistance to the council, the planning commission, and city officials.

CITY PLANNER: A qualified planner hired or appointed by the city administrator to provide land use planning and other related information to the planning commission and council.

CLUB: An organization, group, or association supported by members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business.

CODE: As used herein, the "Stayton Land Use and Development Code." Distinguished from "Stayton Code," which is the entire city code including the "Land Use and Development Code."

COMMERCIAL AMUSEMENT ESTABLISHMENT: Any place where entertainment or amusement is provided where the public on a commercial basis may observe or join in the activities.

COMMISSION: City Planning Commission.

COMMON OPEN SPACE: An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the public in general.

COMPREHENSIVE PLAN: The long-range plan, maps, and elements of the plan, adopted by the city council, intended for guidance in the development of the community.

CONDOMINIUM: Property submitting to the provisions of ORS 94.004 to 94.480 and 94.991.

CONFORMING: In compliance with the regulations of the pertinent district.

CONSTRUCTION

- a. **Beginning Of:** The placing of construction materials in their permanent position, fastened in a permanent manner. Includes reconstruction and alteration (see "Start of Construction").
- b. **New:** Structures for which the beginning of construction commenced on or after 16 October 1989.

COUNCIL: The city council of the City of Stayton.

CORNER LOT: A lot two (2) adjacent sides of which abut streets, other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

CRITICAL FACILITY: means 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. (Ord. 775, October 8, 1997)

CURB LINE: The line indicating the edge of the vehicular roadway within the overall right-of-way.

DAY CARE FACILITY: Any facility which provides day care to children, including a child day care center; group day care home; home of a family day care provider, including those known under a descriptive name such as nursery school, preschool, kindergarten, child play-school, child development center, except for those facilities excluded by law. This term applies to the total day care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

DECISION AUTHORITY: A person or group of persons given authority by this code to review, make decisions upon, and establish conditions to those specific applications or interpretations identified within this code.

DENSITY: The number of dwellings, mobile homes, or mobile home spaces per gross acre.

DESIGN: The design of any street or alley alignments, grade width, or alignment of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width, and layout.

DEVELOPMENT: Human activity physically affecting land or resources, including but not limited to the division of parcels; the erection, reconstruction, modification, relocation, or enlargement of structures; grading, landfill, or excavation of land; storage on land or resource surfaces; drilling or substantial site alteration such as that involved in mining; surfacing such as paving; and significant clearing of trees and vegetation.

DOUBLE FRONTAGE LOT: A lot having frontage on two (2) parallel or approximately parallel streets.

DRIVE-IN

- a. An establishment dispensing food and/or drink and catering to customers who remain or leave and return to their automobiles for consumption of said food or drink on the premises.
- b. Any business designed for serving customers at a drive-up window or while they are in their car.

DRIVEWAY: A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

DWELLING: Any building or any portion thereof which is not an apartment house or a hotel as defined in this code which contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes; but excluding hotels, motels, boarding or rooming houses, mobile homes, travel trailers, and campers. The term "dwelling" as used in this code shall mean a single-family dwelling unless otherwise indicated. Modular home as defined herein is considered a dwelling.

DWELLING UNIT: One or more habitable rooms which are occupied or intended to be occupied by one family with facilities for living, sleeping, cooking, and eating.

DWELLING, SINGLE FAMILY: A detached building designed exclusively for occupancy by one family.

DWELLING, TWO-FAMILY (DUPLEX): A building designed exclusively for occupancy by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

EASEMENT: The grant of a right of use over, across, or through a parcel or strip of land for specific purposes. Does not include privately owned roadways serving buildings within a single lot.

ELEVATED BUILDING: means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. (Ord. 775, October 8, 1997)

EXPANDO: An "expando" is defined as room or rooms that fold, collapse, or telescope into a mobile home during the transport and which can be expanded at the site to provide additional living space.

FAMILY: An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than five (5) persons (excluding servants) not so related, living together in a dwelling unit as an housekeeping unit.

FARMING: The use of land for raising and harvesting crops or for feeding, breeding, and managing livestock, or for dairying, or for any other agricultural or horticultural use, or for a combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises.

It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.

FENCE: An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets, or solid wood, or any other material used as a barrier to light, sight, air, or passage.

FLAG LOT: A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is within the same ownership or title.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. 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 Emergency Management Administration (FEMA) 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 Emergency Management Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FRATERNITY, SORORITY, STUDENT HOME: A residential building in which living accommodations are furnished to students.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted.

GROUP CARE HOME: Any home or institution maintained and operated for the care, boarding, housing, or training of six or more physically, mentally, or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage, or legal adoption to such person.

GROUP DAY CARE HOME: A child day care facility located in a building constructed as a single family dwelling which is certified to care for no more than twelve (12) children at any given time.

GUEST HOUSE: A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

HABITABLE FLOOR: Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not an "habitable floor."

HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the height of the highest gable of a pitch or hip roof.

HOME OCCUPATION: A commercial activity carried on by the resident of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively within a dwelling and/or exclusively within an accessory building.

HOSPITAL: An institution in which patients or injured persons are given medical or surgical care. Unless otherwise specified, this means for humans only.

HOTEL: Any building containing guest rooms intended to be used, rented, or hired out for sleeping purposes by guests.

JUNKYARD OR WRECKING YARD: Primary or accessory use of more than 200 square feet of land for storage, dismantling, or selling of castoff or salvage material of any sort in other than the original form in which it was manufactured and/or assembled and not including reconditioned secondhand furniture or fixtures sold from within a walled building.

KENNEL: A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, training, or sale.

LOADING SPACE: An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT: A unit of land that is created by a subdivision of land or a parcel or tract of land having a frontage upon a street, occupied or to be occupied by a building or unit group of buildings and its accessory buildings, together with such yards or open spaces as are required by this code.

LOT AREA: The total area within a horizontal plane within the lines of a lot.

LOT AREA, MOBILE HOME PARK: The total area reserved for exclusive use of the occupants of a mobile home space.

LOT, DEPTH: The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The lines marking or bounding a designated lot, as designated herein, on all perimeters.

LOT LINE ADJUSTMENT: A realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

LOT LINE, REAR: A lot line which is opposite and the most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line which is not a front or rear lot line.

LOT OF RECORD: A lot which is part of a subdivision or a lot or parcel described by metes and bounds which has been recorded in the office of the county recorder.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

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

MAJOR PARTITION: A partition which includes the creation of a road or street.

MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A parcel (or contiguous parcels) of land divided into two or more manufactured house lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading, or the pouring of concrete paths and the construction of streets) is completed on or after 28 February 1979. This definition is a federal definition intended to apply to areas subject to flood hazard regulations.

MANUFACTURED HOUSING PARK OR MANUFACTURED HOUSING SUBDIVISION, EXPANSION TO: Preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured houses are to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete paths, and the construction of streets). This definition is a federal definition intended to apply to areas subject to flood hazard regulations.

MINOR PARTITION: A partition that is subject to approval by a city or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.

MOBILE HOME OR MANUFACTURED HOME: A single-family dwelling or structure, transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a recreation vehicle or prefabricated modular home as defined by the State of Oregon. The term "mobile home" includes manufactured homes, which are structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. A manufactured/mobile home shall be Class A, B, C, or D, as further defined in Chapter 17.20 and stated within other portions of this code.

For flood plain management purposes, the term "manufactured house" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured house" does not include park trailers, travel trailers, and other similar vehicles.

MOBILE HOME PARK: A privately owned place where four (4) or more mobile home spaces for rent exist within 500 feet of one another on a lot, tract, or parcel of land under the same ownership and used for human occupancy.

MOBILE HOME SUBDIVISION: A privately owned place where mobile homes are parked on adjacent lots, tracts, or parcels of land under different ownerships and used for human occupancy.

MODULAR HOME: A factory-built, prefabricated home designed for transport in one or more sections, without permanent chassis, for final assembly and permanent installation on a building site. Considered a single-family dwelling within this code.

NEW CONSTRUCTION: means structures for which the "start of construction" commenced on or after the effective date of this ordinance. (Ord. 775, October 8, 1997)

NON-CONFORMING STRUCTURE OR USE: A lawful existing structure or use on 19 February 1979 or when an amendment to the zoning code becomes effective, which does not conform to the requirements of the zone in which it is located.

NURSING HOME: Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or by marriage. Convalescent care may include but need not be limited to the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under the Oregon Revised Statutes.

OCCUPIED AREA: That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

OFFICIAL ZONING MAP: The map or maps upon which the zone locations in the City of Stayton are indicated in detail and with exactness so as to furnish the basis for property acquisition or building restrictions.

OWNER: The owner of record of real property as shown on the latest tax rolls of Marion County, or by the deed records of such county, or a person who is purchasing a parcel of property under contract.

PAD: A minimum foundation treatment for a permanent mobile home installation, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines, extending the length and width of the mobile home unit or units.

PARKING AREA, PRIVATE: An open area, building, or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

PARKING AREA, PUBLIC: An open area, building, or structure, other than a private parking area, street, or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by the public or by persons patronizing a particular building or establishment.

PARTITIONING: The division of an area or tract of land into two or three parcels within a calendar year (January to December), which such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition Land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from the creation of cemetery lots, and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession, and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PLAN MAP OR DIAGRAM: An officially adopted map of the city, including urban growth boundary, showing land use designations and other graphic information which is part of the city plan.

PLANNED UNIT DEVELOPMENT: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, building, or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

PLAT: The final map, diagram, drawing, replat, and other writing containing the descriptions, location, specifications, dedications, provisions, and other information concerning a partition, subdivision or planned unit development.

PORCH: A porch is an outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

PERSON: Any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

PUBLIC FACILITIES AND SERVICES: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

RAMADA: Means a stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from the sun and rain.

RECREATION VEHICLE: A vacation trailer or other vehicular or portable unit which is either self-propelled or carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence. Recreational vehicles also include travel trailers, motor homes, campers, boats, boat trailers, snowmobiles, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles. Recreational vehicles do not include utility trailers or canopies.

RESERVE BLOCK: A strip of land, usually one foot in width, across the end of a street or alley and terminating at the boundary of a subdivision, or strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

RESIDENTIAL FACILITY: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals, who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals, who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

SCHOOL, TRADE OR COMMERCIAL: A building where instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

SCHOOL, ELEMENTARY, JUNIOR HIGH, OR HIGH: An institution, public or parochial, offering instruction in several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

SEMI-PUBLIC USE: A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

SERVICE STATION: Any lot used in the normal course of business primarily for the retail sales of motor vehicle fuel and lubricants for delivery on the premises, and minor automobile repair and service.

SETBACK: The distance between a specified lot line and the foundation or nearest exterior wall of a building or structure.

SIGN: Advertising sign, outdoor advertising sign, on-premise sign, display, temporary sign, message, light, emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose, or to inform, or to attract the attention of the public, and includes, where applicable, the sign structure, display surface, and all other components of the sign.

SIGN AREA: The total area of the smallest rectangle that will contain the entire sign or sign structure.

SIGN STRUCTURE: Any structure located outdoors primarily as a support or as surface for sign display.

SITE PLAN REVIEW: A detailed examination of the physical characteristics of a proposed development or improvement to property, which special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses.

SPACE, MOBILE HOME: An area or lot reserved exclusively for the use of a mobile home occupant.

STAFF: Appropriate department heads and those other city employees they deem necessary.

START OF CONSTRUCTION: 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. 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.

STAYTON CODE: The complete, duly adopted and amended municipal code of the City of Stayton.

STREET: A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms.

- a. Arterial: A thoroughfare or arterial of considerable length primarily for intercommunication between large areas and with a roadway designed to handle a large volume of traffic.
- b. Collector: A street accumulating traffic from minor streets and routing it to an arterial street.
- c. Cul-de-sac: A short, dead-end street with vehicular turn-around at or near the dead-end.
- d. Dead-end Street: The same as cul-de-sac, except usually longer, which is intended to be extended and which has no permanent turn-around at the present termination. Pre-existing dead-end streets may exist which cannot be and are not intended for extension.
- e. Half-Street: A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.
- f. Minor Street: A street used exclusively for access to abutting properties.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story. (see "Basement")

STORY, HALF-: A story under a gable, hip, or gambrel roof, the wall plates of which are on at least two opposite exterior walls and are not more than two (2) feet above the floor of such story.

STRUCTURE: That which is built or constructed: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of

whether it is wholly or partly above or below grade, including a gas or liquid storage tank that is principally above ground.

SUBDIVIDER: Any person who undertakes the division of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

SUBDIVISION: To partition a parcel of land into four or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll of year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this code.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before damage occurred. (Ord. 775, October 8, 1997)

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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 was 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.

TOWN HOUSES: Attached or semi-detached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

TRAVEL TRAILER: A recreational vehicle that is not used as a permanent residence and is designated solely as a temporary dwelling for travel, vacation, and recreation.

URBAN GROWTH BOUNDARY: An adopted boundary around the city which defines the area in which the city expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County and Linn County.

USE: The purpose for which land, submerged or submersible lands, the water surface, or a building is arranged, designed, or intended, or for which either land, water, or building is or may be occupied or maintained. As applied by this code, the term "land use" also includes building use and use of building.

VARIANCE: means a grant of relief from the requirement of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (Ord. 775, October 8, 1997)

WATER DEPENDENT: means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 775, October 8, 1997)

WRECKING YARD: See JUNK YARD.

YARD: A space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

YARD, LANDSCAPED: An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. Complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings, may be placed within said area.

YARD, REAR: A yard extending across the full width of the lot between the foundation of the rearmost main building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.

YARD SIZE: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building. When the side yard is adjacent to a street, the same shall be considered a front yard for the purposes of any setback requirements. (Ord 682, §1, February 1990)

ZONE A: Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

ZONE AO: Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.

ZONE AH: Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.

ZONE A1-A30: Areas of 100-year flood; base flood elevations and flood hazard factors determined.

ZONE A99: Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.

ZONE B: Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)

ZONE C: Areas of minimal flooding. (No shading)

ZONE D: Areas of undetermined, but possible, flood hazards.

ZONE V: Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.

ZONE V1-V30: Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined. (Ord. 775, October 8, 1997)

FLOOD CONTROL REGULATIONS (NATIONAL FLOOD INSURANCE PROGRAM)

1. **AUTHORITY.** These regulations are intended to apply to those lands subject to the FP (Floodplain) Overlay district (Section 17.16.780). Pursuant to applicable federal, state, and local building and zoning law, the city is empowered to take steps to evaluate flood potential and provide plans to reduce the possibility of flood damage through land use and building requirements and restriction.
2. **FINDINGS OF FACT**
 - a. The flood hazard areas of Stayton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
3. **STATEMENT OF PURPOSE.** It is the purpose of this title 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 area of special flood hazard; and
 - h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
4. **METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, this section includes methods and provisions for:
 - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
 - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
5. **LANDS TO WHICH THIS CODE SECTION APPLIES.** This code section shall apply to all areas of special flood hazards within the jurisdiction of the City of Stayton.
6. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Stayton" dated March 1, 1979, with accompanying flood insurance maps, is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at Stayton City Hall, 362 N. Third Avenue, Stayton, Oregon 97383.

For lands annexed from Marion County into the City of Stayton hereby adopt by reference and declared part of this ordinance the Marion County Flood Insurance Rate Maps, Floodway maps and Flood Insurance Study for those annexed lands. (Ord. 775, October 8, 1997)

7. **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.
8. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this section 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 manmade or natural causes. This code section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code section shall not create liability on the part of the City of Stayton, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.
9. **ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured houses and for all other development including fill and other activities as set forth in the "Definitions" section of chapter 17.04. of this title. Application for a development permit shall be made on forms provided by the city planner. Specifically, the following information is required:
- a. Elevation in relation to mean sea level of the lowest (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been flood proofed;
 - c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 17.16.790(14)(b). (Ord. 775, October 8, 1997).

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
10. DESIGNATION OF THE CITY ADMINISTRATOR. The city administrator is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
11. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the building official shall include, but not be limited to:
- a. Permit Review
 - 1) Review all development permits to determine that the permit requirements of this title have been satisfied.
 - 2) 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.
 - 3) Review of 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 Section 17.16.790.15 are met.
 - b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.16.790.6, "Basis for Establishing the Areas of Special Flood Hazard," the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer sections 17.16.790.14.a., "Specific Standards, Residential Construction," and 17.16.790.14.b., "Specific Standards, Nonresidential Construction," and 17.16.790.15, "Floodways."
 - c. Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in section 17.16.790.11.b.
 - 1) 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.
 - 2) For all new or substantially improved flood-proofed structures:
 - a) Verify and record the actual elevation (in relation to mean sea level), and
 - b) Maintain the flood proofing certifications required in chapter 17.16.790.9 of this title.
 - d. Alteration of Watercourses
 - 1) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- f. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact locations 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 locations of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.0 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 775, October 8, 1997)
12. VARIANCES. Variances shall be processed and acted upon pursuant to the procedures and criteria of chapter 17.12. of this title. Approvals of variances may be conditional upon the satisfaction of both general variance criteria and those criteria and standards particular to flood hazard regulatory objectives.
13. GENERAL CONSTRUCTION AND DEVELOPMENT STANDARDS. 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 housing 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 of frame ties to ground anchors. Specific requirements shall be that:
 - a) Over-the-top ties be provided at each of the four corners of the manufactured house, with two additional ties per side at intermediate locations, with manufactured housing less than 50 feet long requiring one additional tie per side.
 - b) Frame ties be provided at each corner of the house with five additional ties per side at intermediate points, with manufactured housing less than 50 feet long requiring four additional ties per side.
 - c) All components of the anchoring system be capable of carrying a force 4,800 pounds.
 - d) Any additions to the manufactured house be similarly anchored.
 - 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the local building official that this standard has been met.
 - b. Construction Materials and Methods.
 - 1) All new construction and substantial improvements shall be constructed with material 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 the 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 waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals. The following standards apply to subdivision and partition proposals in areas subject to flood hazard. These standards shall be applied to approval of subdivisions or partitions in addition to approval criteria and procedures within chapter 17.24. of this title.

- 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 flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- 4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposal and other proposed developments which contain at least 50 lots or five 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 (Section 17.16.790.11), 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.

14. **SPECIFIC STANDARDS.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.16.790.6, "Basis for Establishing the Areas of Special Flood Hazard," or Section 17.16.790.11.b., "Use of Other Base Flood Data," the following provisions are required:

a. Residential Construction

- 1) New construction and substantial improvement of any residential structure shall have the lowest floor, elevated to one foot above the base flood elevation per Oregon State Law. (Ord. 775, October 8, 1997)

- 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 to 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) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated 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.
 - 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions 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 Section 17.16.790.
 - 4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 1-7.16.790.14.a.2 (Ord. 775, October 8, 1997)
 - 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).

- c. Manufactured Homes
 - 1) All manufactured homes to be placed or substantially improved within Zones A1-A30, AH and AE on the community's FIRM on sites:
 - (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision,

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to and adequately designed foundation system to resist flotation, collapse and lateral movement.

2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-A30, AH and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

(i) The lowest floor of the manufactured home is elevated one foot above the base floor elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist floatation, collapse, and lateral movement.

d. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-A30, AH and AE on the community's FIRM either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

(iii) Meet the requirements of elevation and anchoring or manufactured homes.

15. ENCROACHMENTS. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 775, October 8, 1997)

16. FLOODWAYS. Located within areas of special flood hazard established in Section 17.16.790.6 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:


a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer ~~or architect~~ is provide demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. If a. of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17.16.790.13, General Standards.


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

(PAGES 117 THROUGH 125 RESERVED FOR EXPANSION)

Date: 10-9-97 By: 
DAPHNE E. GIROD, Mayor

Date: 10.9.97 By: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: OCT 10 1997 By: 
DAVID A. RHOTEN, City Attorney