

ORDINANCE NO. 670

AN ORDINANCE AMENDING STAYTON CITY CODE SECTIONS RELATING TO ZONING AND DEVELOPMENT, PROVIDING PENALTIES, AND REPEALING ORDINANCES.

THE CITY OF STAYTON ordains as follows:

SECTION 1: THE CITY HEREBY adopts the Stayton Land use and Development Code, attached hereto as Exhibit A and by this reference made a part of this Ordinance.

SECTION 2: STAYTON CITY CODE SECTIONS 8.010 to 8.12000 are hereby repealed.

SECTION 3: ORDINANCES NUMBERED 513, 514, 517, 520, 521, 524, 525, 541, 542, 543, 552, 553, 562, 563, 565, 573, 574, 590, 598, 622 and 641 are hereby repealed.

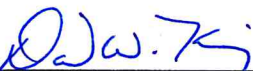
PASSED BY THE COMMON COUNCIL this 4th day of December, 1989.

Signed by the Mayor this 29th day of December, 1989.



WAYNE L. LIERMAN, MAYOR Date

ATTEST



DAVID W. KINNEY, CITY ADMINISTRATOR Date 12-06-89

APPROVED AS TO FORM



DAVID A. RHOTEN, CITY ATTORNEY Date 12/28/89

dk:b

City of Stayton, Oregon

**LAND USE
and
DEVELOPMENT CODE**

ORDINANCE 670

NOVEMBER 1989

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CHAPTER I— GENERAL PROVISIONS

- 1.005 Short Title. The provisions of Sections 1.005 through 6.050 shall be known as the "Stayton Land Use and Development Code," also referred to herein as "Code."
- 1.010 Purpose of Land Use and Development Code. This Code is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City of Stayton, including but not limited to fulfilling the following objectives:
- (A) Establishment of uniform interpretations, terms and definitions, and authorities for the application of land use and development regulations.
 - (B) Statement of policies relating to the City Comprehensive Plan and its Urban Growth Boundary; and procedures for amendments to the same.
 - (C) Establishment of application, review, hearings, decision-making and appeal procedures for consideration of land use and development requests; and the establishment of application fees, and penalties for noncompliance with regulations.
 - (D) Establishment of specific purposes, regulations and standards for the zoning and rezoning of land; administration of flood control regulations; development of mobile home parks; the processing of specific applications for conditional uses, variances to zoning regulations, and site reviews; the division of land; and the development of planned unit developments.
- 1.015 Administration. The City Administrator, or other official(s) designated as the building and planning official(s) by the Administrator, shall have the power and duty to enforce the provisions of this Code.
- 1.020 Interpretations.
- (A) In the interpretation and application of this Code, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
 - (B) When, in the administration of the provisions of this Code, there is substantial doubt regarding the intent or meaning of the Code, the City Planner may request an interpretation of the provisions by the Planning Commission, who shall issue an interpretation of the question if the Commission has determined that such interpretation is within their power and is an administrative and not a legislative act. Any interpretation of the Code shall be based on the following considerations:
 - (1) The purpose and intent of the Code as expressed within the particular section being questioned;

- (2) Guidance provided by the City comprehensive plan and related materials; and
- (3) The opinion of the City Attorney, when requested by the Planning Commission.

- 1.025 Restrictiveness. The provisions of this Code shall be liberally construed to effect the purpose of the Ordinance. These provisions are declared to be the minimum requirements necessary to accomplish these purposes, and where conditions herein imposed are less restrictive than comparative restrictions imposed by any other provision of this Code, by provision of any other Stayton City or Oregon State Ordinance, Resolution, or regulations, then the more restrictive shall govern.
- 1.030 Severability. If any section, paragraph, subsection, clause, sentence or provision of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, invalidate or nullify the remainder of the Code, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence or provision immediately involved in the controversy in which such judgement or decree shall be rendered, it being the intent of the City to enact the remainder of this Code notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence or provision of this Code be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgement shall not affect, impair, invalidate or nullify such section, paragraph, subsection, clause, sentence or provision as to any other premises or use.
- 1.035 Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the Stayton Land Use and Development Code and other applicable regulations including all permits and licenses required.
- 1.040 Abrogation and Greater Restrictions. The provisions of this Code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 1.045 Violations and Penalties.
- (A) Any person, firm or corporation who violates any provision of this Code Section is punishable upon conviction by a fine, as provided in Code Section (B) below. Each day that the violation persists shall be deemed as a separate offense.
 - (B) Violation of any portion of this Code is punishable by a fine of not less than \$500 nor more than \$1000 for each infraction.
 - (C) The remedies provided hereunder are cumulative and not exclusive. In addition to the penalties provided above and those specifically set out in particular Sections of this Code, the City, by and through its authorized personnel, may pursue any remedy provided by law including the institution of injunction, mandamus, abatement or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate a Code violation.

1.050 Definitions. For the purposes of this Code, terms, phrases, words, abbreviations, and their derivatives shall be construed as specified herein.

- (A) General Rules. Words used in the masculine include the feminine, and the feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language, Principal Copyright 1961, shall be considered as providing accepted meanings.
- (B) Specific Definitions of Terms.
- 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 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 of 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 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 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.
- Automobile Wrecking Yard. A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.
- 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 chance of being equalled 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 partly 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 sleeping rooms are provided on a daily or weekly period, not to exceed 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 or more streets.
- 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 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 group of buildings, which parcel, lot or plot complies with all the requirements of this ordinance 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 the 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 October 16, 1989.
- Council. The City Council of the City of Stayton.
- Corner Lot. A lot with two adjacent sides of which abut streets, other than alleys, providing the angle of intersection of the adjacent street does not exceed 135 degrees.
- 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 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 automobile 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 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.
- Expando. An expando is defined as room or rooms that folds, collapses or telescopes 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 persons (excluding servants) not so related, living together in a dwelling unit as one 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 conditions 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 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 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.
- Garage, Public. A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire or sale.
- 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 persons.
- 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 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 a "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. An occupation carried on by the resident of a dwelling house as a secondary use. This definition may include such occupations or practices of any art or craft of a nature which may be conveniently, unobtrusively, and inoffensively pursued in a family dwelling.
- Hospital. An institution in which patients or injured person 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 cast-off 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 defined 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 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 enclosure 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 February 28, 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 "recreational 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 V 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 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 as a single-family dwelling within this Code.

- Non-conforming Structure or Use. A lawful existing structure or use on February 19, 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 24 hours for two or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or 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 ORS.
- 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 guideline, 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-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 interstate 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 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.
- **Recreational 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, motorhomes, 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 Home.** A residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

- **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 the 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 design, 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, with 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 foundation 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 inter-communication 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 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 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 on at least 2 opposite exterior walls are not more than 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 ordinance.
- **Substantial Improvement**. Any repair, reconstruction, 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.
- **Townhouses**. Attached or semi-attached 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 designed 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."
- **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, Side. 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.

CHAPTER II — COMPREHENSIVE PLAN

2.005 Purpose. The purpose of this Chapter is to provide a policy framework for the City to accommodate long-range urban population growth while maintaining the maximum efficiency of land uses within and on the fringe of the existing urban area; to maintain the compatibility of proposed urban uses with existing nearby agricultural activities; to comply with state regulations concerning comprehensive plan adoption; and to establish programs and policies by which the framework for urban growth can be developed and implemented.

2.010 Comprehensive Plan.

(A) Purpose and Intent. The City has adopted and shall maintain a comprehensive plan document, consisting of written text and maps, and supportive technical information. This comprehensive plan shall be the principal document to guide the future growth and development of the City. It shall be the function of the comprehensive plan to provide a basis for land use regulations as set forth in this Code. The plan shall be an expression of City public policy toward growth and development. The plan shall contain but not be limited to the following elements:

- (1) Policies Element.
- (2) Natural Resources Element.
- (3) Transportation Element.
- (4) Parks and Recreation Element.
- (5) Public Facilities and Services Element.
- (6) Land Use Element.
- (7) Economic Element.
- (8) Energy Element.
- (9) Urban Growth Program.

(B) Adoption and Changes to Plan.

- (1) Method. The plan and amendments thereto shall be adopted by ordinance, following proceedings conducted in accordance with the standards and criteria set forth in Chapter III of this Code.
- (2) Categories of Changes.
 - a. Amendment. A plan amendment may be a redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. An amendment in any form is

generally considered to be site-specific. An amendment will be processed pursuant to Chapter III of this Code.

- b. Revision or Update. Major revisions, including the updating of all or parts of the plan, and affecting the framework or principal elements of the plan, are not considered to be amendments, and may not be initiated by individual applicants. Revisions or updates shall be considered legislative, rather than quasi-judicial, changes.

2.015 Urban Growth Management.

- (A) Policies. The following are the policies and criteria upon which the urban growth of the city shall be based:
 - (1) The existing boundaries of the city should remain relatively unchanged until a major portion of the city's usable land has been developed for urban purposes.
 - (2) Extension of the city's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.
 - (3) Developments which can be served by a gravity flow sewage system should be given priority.
 - (4) The city is the logical provider of services in the defined urban service area. Therefore, development outside the city boundaries should be coordinated closely with the city.
 - (5) All government units whose responsibilities affect the growth and development of the Stayton area should review the urban growth program for the city.
 - (6) The physical size of the urban service area will be relative only to time and the changing needs of the community. If the criteria used to delineate the urban service area change, the city will have need to re-evaluate its urban growth program.
 - (7) The concept of acreage residential zoning as defined in the Marion County Zoning Ordinance should be applied to areas north and east of the city. This type of zoning permits acreage residential homesite at a specific density (*i.e.*, 2, 3, 5 acres, etc.) based on the needs and physical limitations of the area. In some cases, farm use zoning may also be appropriate, especially for the area west of the City.
- (B) Urban Growth Boundary. The Urban Growth Boundary of the City shall be that depicted as the Urban Growth Boundary line on the Comprehensive Plan map of the City of Stayton.

CHAPTER III — DEVELOPMENT APPROVAL PROCEDURES

- 3.005 Purpose. The purpose of this Chapter is to provide clear and uniform procedures for the application for, review of, and decisions upon requests for land use and development permits.
- 3.010 Applications for Changes and Exceptions. All applications for land use and development approval actions as governed by the Land Use and Development Code are subject to the procedures and conditions set forth herein.
- 3.015 Application Procedure. Any application for a land use or development approval action authorized in this Code shall be filed in the following manner.
- (A) Forms. The application shall be in writing on forms provided by the City Planner, with supplementary maps and material as set forth herein.
 - (B) Filing Location. Unless stated otherwise, the application shall be filed with the City Planner at City Hall.
 - (C) Property Owner Authorization. The application shall be accompanied by a notarized statement certifying the authority of anyone representing the owner(s) of property involved in the application, if the owner(s) are not the applicants. The application shall be signed by the property owner or authorized representative.
 - (D) Supplemental Information. All documentation and information specified in those portions of this Code governing the approval or action being requested shall accompany the application. The applicant shall be responsible for providing any and all information required to bring about an acceptable application.
 - (E) Fees.
 - (1) Fee Schedule. Specific applications shall be subject to a fee schedule established by Council Ordinance. Such schedule may be adjusted by the Council from time to time.
 - (2) Basic Application Fees. Basic application fees shall be assessed the applicant intended to defray expenses incurred by the City staff to review and process the application.
 - (3) Additional Fees. If the fee paid by the applicant is not sufficient to cover the amount of excess expenses incurred by the City in processing the application, then the City may, at the discretion of the Council, determine with the applicant an agreement for assessment of additional fees to the applicant for the actual additional costs incurred.
 - (4) Waiver of Fees. The Council may, at its discretion, waive some or all fees for the processing of applications determined by the Council to be in the public interest.

3.020 Multiple Applications.

- (A) Processing. Combined or multiple requests by the same applicant(s) for approvals of different land use and development permits which are governed by the provisions of this Chapter, and which affect the same property or properties, shall be considered concurrently by the City. In the case of different applications requiring Planning Commission final action for one and Council final action for another, the Council may act upon both together.
- (B) Fees for Multiple Applications. Multiple applications shall be assessed fees as provided in Section 3.015, for each individual application which is part of a multiple application. The City Administrator shall be empowered to waive all but the highest fee for multiple applications; except for multiple applications containing variances, in which case an extra \$50 fee shall be charged for the variance application.

3.025 Staff Responsibility and Actions.

- (A) Upon receiving an application, the City Planner or his designated staff will review the application within fourteen (14) working days after its initial submission by the applicant. The application shall be deemed acceptable upon determination by the City Planner that all submittal requirements pursuant to this Code have been satisfied. If the information contained in the application is not sufficient for complete staff review or if there are technical problems associated with the proposed action, staff will return the application to the applicant with a written explanation disclosing what information, forms or fees are missing. It shall be the responsibility of the applicant to revise or supplement the application as required by the City Planner in order to make it an acceptable application. If appropriate, a written agreement from the applicant may be accepted by the City Planner explaining how the technical problems will be resolved or information prepared. Failure of the applicant to provide an acceptable application within thirty (30) days of the date of receipt shall be grounds for the application being deemed by the City Planner as complete for review and action, and may lead to denial of the application.
- (B) Within five (5) days of acceptance of the application, the City Planner shall schedule a public hearing before the Planning Commission. The hearing shall be at a regularly scheduled Commission session set far enough in advance to allow ample time for the completion of steps (C) through (E) below, to an extent consistent with the time provisions of Section 3.055. The City Planner shall give notice of any hearing as provided for in Section 3.030.
- (C) For purposes of planning coordination, the City Planner shall make referrals of the request, with an explanation of the character of the proposal and an indication of potential City action, to local, state and federal agencies likely to be impacted by the proposal or entitled to receive such notice under law. This referral will be made within five (5) days of application acceptance. Agencies so contacted will be requested to reply within ten (10) days of mailing of the referral, and will be notified that failure to reply or participate in the hearing may be interpreted as no objection to the proposal.
- (D) For all applications other than a Plan Amendment, the City Planner will prepare a written report on the proposed action within twenty (20) working days after the

4 January 1990

The following changes were read in full and adopted with the second reading of Ordinance No. 670 on 4 December 1989.

Page III-1, 3.015(e)

E. Fees

- (1) Basic Application Fees: Basic application fees are intended to defray expenses incurred by the city staff to review and process the application.
- (2) Additional Fees: If the fee paid by the applicant is not sufficient to cover the amount of excess expenses incurred by the City in processing the application, then the City may, at the discretion of the Council, determine with the applicant an agreement for assessment of additional fees to the applicant for the actual costs incurred.
- (3) Waiver of Fees: The Council may, at its discretion, waive some or all fees for the processing of applications determined by the Council to be in the public interest.

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4 January 1990

The following changes were read in full and adopted with the second reading of Ordinance No. 670 on 4 December 1989.

Page III-1, 3.015(f)

- F. Fee Schedule: Specific applications shall be subject to the following fees, to be submitted with the application and not refunded once the application is accepted by the City Planner:

<u>TYPE OF APPLICATION</u>	<u>(FEES)</u>
Comp Plan Amend (text or map)	\$ 300
Zoning Ordinance Amend (text or map)	\$ 300
Conditional Use Permit (residential zone)	\$ 100
Conditional Use Permit (other zones)	\$ 100
Variance	\$ 200
Variance (in conjunction with another application)	\$ 50
Annexation	\$ 300
Major or Minor Partition	\$ 100
Subdivision (including mobile home subdivision)	\$ 300
	plus \$10 per lot
Planned Unit Development	\$ 300
	plus \$10 per lot/unit
Mobile Home Park	\$ 300
	plus \$10 per lot
Site Plan Review	no fee
Appeals	\$ 50

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final, complete application is accepted. A written report on a proposed Plan Amendment shall be prepared within thirty (30) working days after acceptance of a complete application. Written reports shall take the form of an analysis of the proposed amendment which evaluates it against applicable standards and decision criteria. Comments received by interested public and semi-public agencies shall be reported in this analysis. Recommended findings may be a part of this analysis. The analysis, in the form of a report, shall contain the applicant's submittal and supplementary information. The report shall be placed on file with the City Planner and available to the public for examination.

- (E) For Plan Amendment and zone change applications, The City Planner shall notify the Oregon Department of Land Conservation and Development of the proposed amendment pursuant to the requirements of ORS 197.610. Comments or objections received as a result of the notification shall be made a part of the City Planner's report to the Planning Commission and/or the Council.
- (F) The City Planner shall present his report on the application to the Planning Commission at the scheduled public hearing.
- (G) After the Planning Commission public hearing, the City Planner will prepare written findings based on the material contained in the application, the findings of the Planning Commission, any agreements between the applicant and the city and all pertinent discussions.
- (H) Pursuant to the requirements of Section 3.035-3.045 below, the City Planner shall place the action and report of the Commission before the City Council for Council review and action. For items requiring public hearing, the City Planner shall give notice of such hearing as provided for in Section 3.030. Following Council action, in the case of adoption of a Plan amendment and zone change, the City Planner shall also provide notification of the action within five days of the final date of the action to the Department of Land Conservation and Development pursuant to ORS 197.610.

3.030 Notice of Public Hearing.

- (A) Public notice of any public hearing before the Planning Commission or City Council shall include the following information:
 - (1) Identification of the application by City file number.
 - (2) Identification of the contiguous property involved in the request, by ownership and tax map and tax lot numbers.
 - (3) Identification of the property owner and applicant.
 - (4) Date, time and place of the hearing, and the Decision Authority to conduct the hearing.
 - (5) A brief description of the nature of the application and the proposed activities or uses which could be allowed by a favorable decision.
 - (6) The name of the City Planner or designee, and a telephone number to contact, where information may be obtained.

- (7) A statement that the application, all documents and evidence relied upon by the applicant, and applicable criteria, are available for inspection at the office of the City Planner and copies will be provided at reasonable cost.
 - (8) A statement that the staff report on the application will be available for inspection at the office of the City Planner and copies will be provided at reasonable cost, within seven (7) days of the hearing.
 - (9) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
 - (10) A statement that the failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based upon that criterion.
 - (11) If the hearing is an appeal, identification of the appellant's name, if different than the property owner's name or applicant's name.
- (B) Notices of public hearing shall be mailed to each property owner of record within the affected area, to be no less than 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice, not later than twenty (20) days prior to the public hearing; and published in a newspaper of general circulation. Failure to receive such notice shall not affect the validity of the proceedings.
- (C) The applicant shall be required to post the property ten (10) days prior to the hearing date with a sign or placard provided by the City. The applicant shall file written certification or affidavit of such posting to the City Planner prior to the hearing date.

3.035 Decision Authority.

- (A) Authority. The Decision Authority on applications shall be as follows:
- (1) Planning Commission Authority to Decide. The Commission shall be required and empowered to review, evaluate, and take actions or make decisions on all matters required to be brought before it by the provisions of this Code.
 - (2) City Council Authority to Decide. At its discretion, the Council shall have the authority to review and reconsider all Planning Commission actions and decisions made in accordance with Section 3.045 of this Code. The Council shall further be required and empowered to take final action on those matters specified within the Code as requiring Council action by written Order or Ordinance. The Council shall also have the authority to empower the City Administrator to act at its direction in the acceptance of final land division plats pursuant to Chapter VI of this Code, as well as other matters deemed appropriate by the Council.
 - (3) Combined Authority. At the discretion of the Council, proceedings of the Council and Planning Commission may be combined in the form of mutual or joint public meetings, work sessions or hearings. Unless

otherwise determined by the Council, decisions or actions taken on applications subject to or following such proceedings shall have the status of final Council decisions or actions.

- (B) Standards. In order to approve proposed action, the applicant shall provide evidence which allows the City to make findings that the proposal is in conformance with applicable standards of the Comprehensive Plan, this Code, and other state and local law; and that the specific approval criteria for the application, as contained within applicable sections of this Code, have been satisfied. In all cases, the burden of proof shall be on the applicant.

3.040 Planning Commission Hearing and Decision Procedure.

- (A) Timing. The City Planner's report shall be placed before the Planning Commission no less than seven days prior to the scheduled public hearing or meeting. The Planning Commission shall hold at least one public hearing on the proposal unless otherwise provided by this Chapter. A work session(s) open to the public may also be held at the Commission's discretion.
- (B) Rules of Procedure. All public hearings shall be conducted in accordance with Stayton City Land Use Hearings Rules of Procedure, as amended, adopted by the City Council on March 7, 1988, and as governed by ORS 197.762. Copies of the Rules of Procedure shall be made available to applicants and other participants at the hearings.
- (C) Evidence. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs, and shall become part of the record for the application.
- (D) Planning Commission Evaluation. In addition to those standards and criteria specified by this Code for any application before it, the Planning Commission shall also consider the following matters in evaluating and reaching a decision on the application:
- (1) Consistency of the proposed action with the Comprehensive Plan and the objectives of this Code, and other applicable ordinances and policies of the City.
 - (2) Staff analysis and evaluation of the proposal.
 - (3) Personal knowledge the Commission may have on facts relating to the proposal or of the area in question.
 - (4) Compliance with applicable federal, state and local laws and regulations.
- (E) Planning Commission Action. On any application except those requiring final action by the City Council, following public hearing and other Commission action, the Commission shall make a decision. The Commission may:
- (1) Approve the proposal as submitted, including the establishment of conditions of approval as may be deemed appropriate by the Commission.

- (2) Modify the proposal and adopt the modified proposal, including conditions of approval if added by the Commission.
 - (3) Deny the proposal.
 - (4) On those actions requiring final approval by the Council, the Commission shall perform the same function as described in (1) through (3) above; except the Commission action shall be in the form of a recommendation to the Council rather than a final approval, modification or disapproval.
 - (5) If additional information is required to allow completion of action by the Commission, it shall be prepared within one week, if possible, and brought before either a special meeting or the next regularly scheduled meeting of the Commission.
 - (6) If so requested by a participant, the record of the hearing shall be held open for at least seven days after the hearing is completed.
- (F) Form of Action. Commission action shall be in the form of a written order or recommendation, and supportive findings. Findings shall specify who has the party status in the proceeding.
 - (G) Referral of Action. The City Planner shall refer the record of the matter, including Commission orders and findings, to the City Council for review and further action as required by this Chapter, at the next regularly scheduled meeting of the Council.
 - (H) Notice to Applicant. The City Planner shall also notify the applicant, and all other parties entitled to receive notice, of Commission decision on the application. The notice shall indicate that the Commission decision is subject to Council review and/or action as authorized in Section 3.045 below, and shall provide information on appeal procedures as specified in Section 3.050 below.

3.045 City Council Hearing and Decision Procedures.

- (A) Timing. Following the conclusion of any Planning Commission action on an application, the matter shall be referred to the Council. The report of the City Planner and the action of the Planning Commission shall be reviewed by the Council.
- (B) Council Action Required. For Annexations, Plan amendments, Rezoning applications, final Subdivision and Planned Unit Development approvals, and Mobile Home Park approvals, the City Planner shall schedule at least one public hearing before the Council. Following due consideration, the Council shall render a decision. Notice of public hearing shall be given pursuant to the procedures of Section 3.030.
- (C) Council Authorization Given. For acceptance of final subdivision plats and Planned Unit Development plats, the Council shall then take action to authorize approval by the City Administrator. The Council may at its discretion hold one or more public hearings on the matter. Notice of public hearing shall be given pursuant to the procedures of Section 3.030.

- (D) Council Action Optional. For all other applications permitted by this Code to be approved by the Planning Commission, the Council may elect, by motion, to further consider the application.
 - (1) If the Council elects to hold a public hearing, one shall be scheduled, and notice of the public hearing shall be given pursuant to the procedures of Section 3.030. If the Council elects to consider the Commission action, the Commission action will be deferred until hearing and decision procedures are completed by the Council.
 - (2) If the Council does not elect to further consider the application, the Commission action shall become final upon the Council's determination to not further consider the matter, provided a ten-day appeal period pursuant to Section 3.050 has occurred following Commission action.
- (E) Hearings. For those matters specified by this Code as requiring City Council decision, the Council will consider recommendations of the Planning Commission and other information related to the application before the Council, in the form of a *de novo* procedure. Hearings on Appeals only may be *de novo* or on the record, as the Council deems appropriate.
- (F) Procedures. Conduct and procedures of the hearing, and matters to be considered by the Council, shall be the same as those prescribed for the Planning Commission hearing as described in Section 3.040 above.
- (G) Council Action.
 - (1) For applications requiring City Council decision, or which the Council has elected to further consider as authorized in (D) above, action of the Council may include:
 - a. Adopting the order and findings of the Planning Commission, indicating concurrence with the findings of the Planning Commission.
 - b. Adopting the Planning Commission's order and findings with modifications of the conditions. If any conditions imposed by the Planning Commission are eliminated, added to or modified in any way, factual reasons for the change or changes must be given and stated in writing within the minutes of the meeting. The applicant may request reconsideration by the Council.
 - c. Not accept the order and findings of the Planning Commission. In rejecting the Commission action, the Council must indicate errors or omissions in the written findings made by the Commission and state what the actual facts are and how they affect the proposal. All facts found by the Council shall be contained in the written minutes of the meeting.
 - (2) For Planning Commission decisions required to be referred to the Council but which the Council elects not to further review, Council action shall include ratification, by consent motion, of the Commission order and findings within the ten-day referral period.

- (H) Form of Action. With the exception of (G)(2) above, Council approval of all actions except Plan amendments and zone changes shall be by Order. Approval of Plan amendments and zone changes shall be by Ordinance and Order.
- (I) Notice of Action. Upon a final decision being rendered by the City Council pursuant to (G) above, the City Administrator shall, within two working days of the decision, mail a notice of Council decision to the petitioner at the address set forth in the application and to all persons who requested, in writing, a copy of the decision. The notice shall specify that the final date of the decision is at the conclusion of the appeal period, and shall provide information on the appeals process to those entitled to receive notice.

3.050 Appeals.

- (A) Appeal of Administrative Decision or Interpretation. An administrative decision of the City Administrator or City Planner may be appealed to the Planning Commission by an affected party within ten (10) days of the action. The notice of appeal shall indicate the nature of the decision that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this Code.
- (B) Appeal of Planning Commission Action. Following the decision of the Planning Commission, any person aggrieved by the decision of the Commission, has the right to file, within ten (10) days of mailing of notice of the decision, an appeal of that decision. The appeal shall be in writing to the City Administrator, and shall clearly state the issue being appealed, and the grounds for the appeal. The appeal shall be placed before the City Council. The Council will consider the appeal and either accept the appeal and set a date for public hearing, or elect to deny the appeal based on the record. If the Council accepts an appeal of a Commission action, the Council may, at its discretion, remand the decision back to the Commission for further consideration and findings, which will then be reported to the Council prior to a final Council decision on the appeal.
- (C) Appeal of City Council Action. Council actions, including a Council decision to deny an appeal, may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805-855.
- (D) Specificity. Issues of appeal must be raised with sufficient specificity before the appeal body to have afforded the Decision Authority, and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue.
- (E) Stay of Proceedings. When an appeal is filed, it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken, until the determination of such appeal is completed.
- (F) Fee. An Appeal pursuant to the above shall be accompanied by an application fee and deposit as required by Section 3.015 of this Code.

3.055 Effective Dates and Deadlines for Actions.

- (A) Effective Date. Unless appealed, an action of the Decision Authority on a given application shall become final ten (10) days following the date of the mailing of

notice of such action. If appealed to the Planning Commission or Council, the action shall become final ten (10) days following final resolution of the appeal.

- (B) Evidentiary Material Submittal. All documents or evidence relied upon by the applicant shall be submitted to the City Planner at least twenty (20) days prior to the first Decision Authority evidentiary hearing on the matter.
- (C) Deadlines. Except for Plan Amendments, the City shall take final action on an application including resolution of all appeals under section 3.040 within 120 days after the application is submitted and deemed complete.
- (D) Applicant Remedy. If the City does not complete final action on an application within 120 days after the application is deemed complete, and the applicant has not waived the time requirement pursuant to (F) below, the applicant may proceed in Circuit Court pursuant to ORS 227.180(7).
- (E) Minimum Time for Re-application. An application denied after due consideration pursuant to this Code may not be resubmitted in less than one year's time unless the applicant can demonstrate that the factual circumstances which brought about the denial no longer exist or are no longer applicable to the proposal.
- (F) Waiver. The applicant may elect to waive the 120-day time requirement stated in (C) above by oral consent at public hearing or by written statement to the City Planner. Such waiver requests shall be made a part of the record on the application.

3.060 Plan Amendments.

- (A) Definition. A plan amendment may be a redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. An amendment in any form is generally considered to be site-specific. Major revisions, including the updating of all or parts of the plan, and affecting the framework or principal elements of the plan, are not considered to be amendments, and may not be initiated by individual applicants.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, Plan Amendments shall be adopted by ordinance passed by the Council. All proceedings shall be conducted in accordance with provisions of this Chapter.
- (C) Initiation of Amendment. A plan amendment may be initiated in any one of the following ways:
 - (1) By resolution of the Council.
 - (2) By motion of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council, or
 - (3) By petition of property owners or persons purchasing property under contract, in accordance with procedures outlined herein.
- (D) Submittal Requirements. In order to be accepted as complete and processed in a

timely manner by the City, applicant-initiated requests for plan amendments shall include the following materials and information:

- (1) Completed application forms as supplied by the City Planner.
 - (2) If a land use designation amendment, one reproducible master and two copies of a map, drawn to scale, showing the property for which the amendment is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new land use designation(s).
 - (3) A narrative statement fully explaining the request, and fully addressing the criteria for approval of a plan amendment. If the request is a text-only amendment (*e.g.*, no requested change in land use designation), the statement must fully explain the nature of the requested change and provide reasons why the change is appropriate.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (E) Approval Criteria. In order to approve a plan amendment, the following affirmative findings concerning the action must be able to be made by the Decision Authority.
- (1) The proposed amendment is compatible with the existing provisions of the plan, as measured by:
 - a. If a map amendment, the extent of existing and proposed land use allocations for the requested uses.
 - b. Impact of the proposed amendment on land use and development patterns within the City, as measured by:
 - i. Traffic generation and circulation patterns;
 - ii. Population concentrations;
 - iii. Demand for public facilities and services;
 - iv. Maintenance of public health and safety;
 - v. Level of park and recreation facilities;
 - vi. Economic activities;
 - vii. Protection and use of natural resources;
 - viii. Natural hazards and constraints;
 - ix. Compliance of the proposal with existing adopted special-purpose plans or programs, such as public facilities improvement programs.

- (2) A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).
- (3) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 2.015 of this Code) if a change in the Urban Growth Boundary is requested.
- (4) The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories or plan elements are necessary to accommodate the amendment).
- (5) The amendment is appropriate as measured by at least one of the following criteria:
 - a. It corrects identified error(s) in the provisions of the plan.
 - b. It represents a logical implementation of the plan.
 - c. It is mandated by changes in federal, state or local law.
 - d. It is otherwise deemed by the Council to be desirable, appropriate and proper.
- (F) Plan Map. Whenever any land is redesignated pursuant to a Plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

3.065. Zone Changes.

- (A) Definition. A zone change is a reclassification of an area from one zoning district to another, provided the new zoning district exists within Chapter IV of this Code. Application of new zoning districts require legislative amendment of this Code prior to such action, and are therefore not classified zone changes in the meaning of this Chapter.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, zone changes shall be adopted by an ordinance passed by the Council. All proceedings shall be conducted in accordance with this Chapter.
- (C) Initiation of Zone Change. A zone change may be initiated in any one of the following ways:
 - (1) By resolution of the Council.
 - (2) By motion of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council, or
 - (3) By petition of property owners or persons purchasing property under contract, in accordance with procedures outlined herein.

- (D) **Submittal Requirements.** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for zone changes shall include the following materials and information:
- (1) Completed application forms as supplied by the City Planner.
 - (2) One reproducible master and two copies of a map, drawn to scale, showing the property for which the zone change is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new zoning district(s).
 - (3) A narrative statement fully explaining the request, and fully addressing the criteria for approval of a zone change.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (E) **Approval Criteria.** In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the Decision Authority, and placed into written form as part of the action on the proposal.
- (1) The proposed zone change and intended use is compatible with the surrounding area, as measured by:
 - a. Land use patterns.
 - b. Traffic generation and circulation.
 - c. Population density and impacts of population concentrations.
 - d. Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.
 - e. Other similar factors deemed to be of importance to the decision by the Planning Commission or Council.
 - (2) Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.
 - (3) There are adequate urban services to serve the possible use under the zone proposed.
 - (4) The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.
 - (5) The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.
- (F) **Zoning Map.** Whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed.

3.070 Conditional Uses.

- (A) Definition. A conditional use is an activity which is basically consistent with other uses permitted in the zone, but due to some of the characteristics of the activity which might not be entirely compatible with the zone, such use requires City review to determine and/or control potential adverse impacts.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, the Planning Commission shall adopt, by order, conditional use approvals. All proceedings shall be conducted in accordance with this Chapter.
- (C) Submittal Requirements. In order to be accepted as complete and processed in a timely manner by the City, requests for approval of conditional uses shall include the following materials and information:
 - (1) Completed application forms as supplied by the City Planner.
 - (2) One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the conditional use is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed development and improvements of the property pursuant to the conditional use request.
 - (3) A narrative statement fully explaining the request, and fully addressing the criteria for approval of a conditional use.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (D) Approval Criteria. In order to approve a conditional use request, the following affirmative findings concerning the action must be able to be made by the Decision Authority.
 - (1) The proposed conditional use is compatible with the surrounding area, as measured by factors such as noise, odors, appearance, traffic congestion, hazards to the public, generation of waste products, scale of development, excessive glare of lighting, and demand on public services and facilities.
 - (2) The proposed conditional use is compatible with the purposes and standards of the zoning district in which it is proposed.
 - (3) Identified adverse impacts may be mitigated or eliminated through the imposition of special conditions on the proposed use or by modifying the proposed use.
 - (4) There will be no adverse affects on the normal flow or movement of traffic in the immediate area.
 - (5) There are available urban services to the property.
 - (6) Other property in the City that would allow the proposed use outright is not reasonably available.

(E) Imposition of Restrictions and Conditions.

- (1) The Decision Authority may prescribe restrictions or limitations for the proposed conditional use as it deems necessary to fulfill the purpose and intent of the zoning district in which the use is being proposed, and the requirements of this Code. Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request, and shall be made a part of the approval action. Conditions may limit the time or duration of the use.
- (2) Any reduction or change of the requirements of the zoning regulations must be considered as varying those regulations, and must be processed as a Variance pursuant to Section 3.080 below.

(F) Right Must be Exercised. Conditional uses granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that decision, unless a longer period be specified or thereafter allowed by the Decision Authority. In case such right has not been exercised, or extension obtained, the approval shall be void. A written request for an extension of time filed with the City Administrator at least 30 days prior to the expiration date of the conditional use shall extend the duration of the one year period until the Decision Authority has taken action on the request.

3.075 Variances.

- (A) Definition. A variance is an approved modification to, or relief from, a specific regulation or set of regulations imposed by provisions of this Code. A variance approval is limited to the individual condition and/or instance for which the variance has been requested.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, the Planning Commission shall adopt, by order, variance approvals. All proceedings shall be conducted in accordance with this Chapter.
- (C) Variances Allowed. Subject to the restrictions and provisions contained in this Code, the Decision Authority shall have the power to vary or modify the strict application of any of the regulations or provisions of this Code governing:
 - (1) Zoning Requirements:
 - a. Lot area.
 - b. Lot width.
 - c. Percentage of lot coverage and number of dwelling units or structures permitted on lot.
 - d. Height of structures.
 - e. Location of structures.
 - f. Setbacks.
 - g. Signs.
 - h. Parking and loading space.
 - i. Vision clearance.
 - j. Dimension Restrictions.
 - k. Accessory Uses.

- l. Landscaping Standards.
 - m. Expansion of Nonconforming Uses (limited as cited in 4.025(2))
 - (2) Flood hazard management requirements.
 - (3) Land division regulations.
- (D) **Submittal Requirements.** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of a variance shall include the following materials and information:
 - (1) Completed application forms as supplied by the City Planner.
 - (2) A narrative statement fully explaining the Code regulation for which the variance is being sought, the nature of the variance request, and addressing all applicable criteria for approval of a variance.
 - (3) One reproducible master and two copies of a site plan drawn to scale showing the property for which the variance is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and, as appropriate, the condition to be varied.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (E) **Limitations.** The power of the Decision Authority to grant variances from the strict application of the provisions of this Code shall be used sparingly, within the time limits granted the Decision Authority, within the spirit and intent of this Code, and applied reasonably to maintain and not abolish the distinctive zoning classifications and other land use regulations created by this Code.
- (F) **Criteria.** A variance is subject to the following general and specific approval criteria. No variance shall be approved without affirmative findings being made that the request fully satisfies these approval criteria.
 - (1) **General Criteria Applicable to All Requests.**
 - a. The granting of the variance would not be materially detrimental to the public health, safety or welfare, or the overall public interest of the citizens of the City, as expressed within this Code and the adopted City Comprehensive Plan.
 - b. The granting of the application complies with the applicable specific approval criteria as defined herein.
 - (2) **Specific Variance Criteria.**
 - a. **Variance to Zoning Regulations.**
 - i. The property is subject to exceptional or extraordinary circumstances, such as lot size, shape, topography or other similar circumstances over which the property owner has no control, and which do not generally apply

to other properties in the same zoning district and/or vicinity.

- ii. The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.
- iii. The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on other property in the same zoning district or vicinity.
- iv. Approval of the variance would not create an identifiable conflict with the provisions of the City Plan or achieve the same conditions as would result from a new Plan designation or zone being placed on the property.
- v. The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.
- vi. The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.
- vii. The request for the variance is not the result of a self-imposed condition or hardship.

b. Variance to Flood Hazard Regulations.

- i. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- ii. Variances shall not be issued within any designated floodway.
- iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iv. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional

threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Chapter IV of this Code, or conflict with existing local laws or ordinances.

- (d) Consideration of the technical factors identified in Section (e) below.
- v. In passing upon flood control regulation variance applications, the Decision Authority shall consider all technical evaluations, all relevant factors, standards specified in other sections of the flood control provisions of this Code (Chapter IV), and
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- vi. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i. - v. above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- vii. Upon consideration of the factors i. - v. above, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code section.
- viii. The City Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- ix. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduce lowest floor elevation.

c. Variance to Land Division Regulations.

- i. Special conditions or circumstances peculiar to the property under consideration make a variance necessary.
- ii. The variance is necessary for the proper development of the subdivision or partition, and the preservation of property rights and values.
- iii. The variance will not be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the subdivision or partition, and the condition varied will remain in compliance with applicable state law (specifically, ORS 92).

(G) Imposition of Restrictions and Conditions.

- (1) The Decision Authority may prescribe restrictions or limitations for the proposed variance as it deems necessary to fulfill the purpose and intent of the Code provisions which are requested to be varied, and the requirements of this Code. These restrictions may include but not be limited to the time or duration of the variance, the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the variance approval. Such restrictions or limitations shall be based on evidence and analysis presented during the

course of evaluation of the request, and shall be made a part of the approval action.

- (2) If the variance is granted, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the Decision Authority's approval.
 - (3) A violation of any such condition(s) or limitation(s) shall constitute a violation of this Code.
- (H) Right Must be Exercised. Variances granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that variance, unless a longer period be specified or thereafter allowed by the Decision Authority. In case such right has not been exercised, or extension obtained, the variance shall be void. A written request for an extension of time filed with the City Administrator at least 30 days prior to the expiration date of the variance shall extend the duration of the one year period until the Decision Authority has taken action on the request.

3.080 Annexations.

- (A) Definition. An annexation is an expansion of the City Limits through the addition of territory to the jurisdictional boundaries of the City. Includes "contract annexation" agreements between applicants and the City.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, the City Council shall adopt, by order, annexation approvals. All proceedings shall be conducted in accordance with this Chapter.
- (C) Planning Commission Responsibility. Applicant-initiated requests for annexation of territory to the City shall be referred to the Planning Commission for review and recommendation to the Council pursuant to the criteria listed herein.
- (D) Submittal Requirements. In order to be accepted as complete and processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:
 - (1) Completed application forms as supplied by the City Planner.
 - (2) One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the annexation is requested, surrounding properties, neighboring streets and roads, existing uses of the property , and proposed uses of the property subsequent to annexation.
 - (3) A narrative statement fully explaining the request, and fully addressing the criteria for approval of an annexation.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (E) Review Criteria. In order to approve of an annexation request, the following affirmative findings concerning the action must be able to be made by the

Decision Authority:

- (1) A need exists in the community for the land proposed to be annexed.
 - (2) The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
 - (3) The proposed annexation is property contiguous to existing City jurisdictional limits.
 - (4) The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
 - (5) The annexation request complies or can be made to comply with all applicable provisions of state and local law.
 - (6) If a proposed contract annexation, the terms and conditions, including the cost, extent and timing of City facility and service extension to the annexed area.
- (F) Zoning of Annexed Territory. As part of its review of proposed annexations, the Planning Commission may recommend a proposed zoning district to be placed upon the property subsequent to completion of the annexation procedure. The proposed zoning district shall exist in the Code, and shall be recommended in compliance with the City Comprehensive Plan designation for the property.

3.085 Site Plan Review.

- (A) Definition. A Site Plan Review is a detailed examination of the physical characteristics of a proposed development or improvement to property, with special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses. A site plan review requires the evaluation of specific criteria as cited herein.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, the Planning Commission shall adopt, by order, site plan review approvals. All proceedings shall be conducted in accordance with this Chapter.
- (C) Requirements for Site Plan Review. Site plan review approval is required when:
 - (1) A site plan review overlay district is imposed by the City Council as a condition of rezoning the parent or principal zone of a given property or properties.
 - (2) Made a conditional of approval of a Conditional Use.
 - (3) Otherwise required by specific provisions of this Code.
- (D) Site Plan Review Not Required. Certain improvements or development of property otherwise subject to site plan review provisions of this Code are exempt from review requirements. Such improvements or development include:

- (1) Minor improvements to existing development. "Minor" shall be defined as improvements not exceeding 25% of existing development by area, not including the area of internal roadways, parking and loading areas, and outside storage areas.
 - (2) Internal improvements. "Internal" shall be defined as improvements which are within the perimeter of current development of the property, excepting roadways, parking and loading areas, and landscaped areas.
 - (3) Signs, provided they are for use(s) permitted by the parent zoning district, that they are located within all setback areas of the property, that their surface area (both sides) does not exceed 100 square feet, that they are not illuminated by moving or flashing lights, and that they do not exceed in height the average height of primary structures on the property.
- (E) Submittal Requirements. In order to be accepted as complete and processed in a timely manner by the City, requests for approval of site reviews shall include the following materials and information:
- (1) Completed application forms as supplied by the City Planner.
 - (2) One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the site plan review is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and all details of all proposed development of and/or improvements to the property.
 - (3) A narrative statement fully explaining the request, and fully addressing the criteria for approval of a site plan review permit.
 - (4) Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
- (F) Approval Criteria. The following criteria must be demonstrated as being satisfied by the application:
- (1) The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power and communications) and connections, including easements, to properly serve development on the subject property in accordance with accepted City standards, where applicable.
 - (2) Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic; and provision for safe access to and from the property to those public streets and roads which serve the property.
 - (3) Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities, to accommodate the additional traffic load generated by the proposed development of the site.

- (4) Provision of parking areas and adequate loading/unloading areas and facilities as required by Chapter V of this Code. Minimization of noise, odors, fumes or other impacts affecting offsite areas.
 - (5) The design and placement on the site of buildings and other structural improvements of a scale and size so as to be in general harmony and proportion with similar development on neighboring properties, and that the proposed development is generally compatible with the surrounding area.
 - (6) Location, design and size of the proposed improvements to the site in a manner which will fulfill the intended purpose of the requested use of the site and which will properly serve anticipated customers or clients of the proposed improvements.
 - (7) Landscaping of the site in a manner consistent with the requirements of Chapter V of this Code, and which prevents unnecessary destruction of major vegetation such as trees, preserves unique or unusual natural or historical features, provides for vegetative ground cover and dust control, and presents an attractive interface with adjacent land use and development.
 - (8) Design of any visual or physical barriers around the property, such as fences, walls, vegetative screening or hedges, in a manner allowing them to perform their intended function and have no undue adverse impact on existing or contemplated land uses.
 - (9) Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.
 - (10) Establishment of continuing provisions for maintenance and upkeep of all improvements and facilities.
 - (11) Proof of financial responsibility that the proposed development will be properly implemented as approved. To ensure that required public and/or private improvements are made in a timely and acceptable manner, the applicants may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of Chapter V of this Code.
- (G) Imposition of Restrictions and Conditions.
- (1) The Decision Authority may prescribe restrictions or limitations for the proposed site plan review approval as it deems necessary to fulfill the purpose and intent of the Code provisions which are requested to be varied, and the requirements of this Code. These restrictions may include but not be limited to the time or duration of the site plan review approval, the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the variance approval. Such restrictions or limitations shall be based on evidence and analysis presented to or generated by the Decision

4 January 1990

The following changes were read in full and adopted with the second reading of Ordinance No. 670 on 4 December 1989.

Page III-22, Section 3.085(f-5)

The design and placement on the site of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.

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Authority during the course of its evaluation of the request, and shall be made a part of the approval action.

- (2) If the site plan review is approved, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the Decision Authority's approval, within one year from the date of final approval.
 - (3) A violation of any such condition(s) or limitation(s) shall constitute a violation of this Code.
- (H) Right Must be Exercised. Site plan review approvals granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of the approval, unless a longer period be specified or thereafter allowed by the Decision Authority. In case such right has not been exercised, or extension obtained, the variance shall be void. A written request for an extension of time filed with the City Administrator at least 30 days prior to the expiration date of the approval shall extend the duration of the one year period until the Decision Authority has taken action on the request.

3.090 Historic Preservation Procedure.

- (A) Purpose. This procedure shall apply to historic resources listed in the City of Stayton Historic Structures Inventory of sites designated within the Stayton Comprehensive Plan. The intent of this procedure is to provide a means of designating and protecting historic resources in a manner complying with state land use planning requirements.
- (B) Inclusion or Deletion of Historic Sites or Structures. Addition or deletion of sites or structures to or from those currently designated in the Comprehensive Plan shall be by Plan Amendment and shall follow the procedures specified in Section 3.060 of this Code. Proceedings for the inclusion or removal of a property within the Historic Structures Inventory may be initiated as follows:
 - (1) The applicant may initiate proceedings for designation or withdrawal by sending written notice to the City Administrator.
 - (2) The written notice shall contain the following minimum information:
 - a. The owner's name and address.
 - b. The Assessor's map number and tax lot number of property proposed for designation.
 - c. A statement explaining the following:
 - i. Reasons why the proposed landmark should or should not be designated.
 - ii. Positive and negative effects, if any, which designation or undesignation of the proposed landmark would have on the residents or other land owners in the neighborhood.

- (3) The Decision Authority shall hold a public hearing on any proposed inclusion or deletion in the Comprehensive Plan's designation of Historic Inventory sites, pursuant to the procedures and notification requirements of this Chapter.
 - (4) The Decision Authority may designate a building, structure, or site as an Historic Landmark upon findings that the proposed Historic Landmark meets one of the following criteria:
 - a. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
 - b. It is identified with persons or events significant in local, state or national history; or
 - c. It embodies distinctive characteristics of a style, type or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
 - d. It is representative of the notable work of a builder, designer, or architect.
 - e. It is an open waterway of historical interest and significance to the community.
 - (5) The age of the proposed Landmark, alone, shall not be sufficient grounds for designation.
 - (6) The Decision Authority may remove a building, structure, or site from the Historic Landmark Inventory upon findings that the Historic Landmark does not meet the above criteria.
- (C) Ordinary Maintenance and Repair. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the commission.
- (D) Duty to Keep in Good Repair. The owner of a designated historic resource shall keep such resource in good repair.
- (E) Permits. A Historic Modification Permit is required for Alteration, Demolition or Relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the Historic Modification Permit.

4 January 1990

The following changes were read in full and adopted with the second reading of Ordinance No. 670 on 4 December 1989.

Page III-24, Section 3.090(b-4)

The Decision Authority may designate a building, structure, or site as an Historic Landmark upon findings that the proposed Historic Landmark meets one of the following criteria, and the property owner supports designation of the building, structure, or site as an Historic Landmark:

- a. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b. It is identified with persons or events significant in local, state, or national history; or
- c. It embodies distinctive characteristics of a style, type, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- d. It is representative of the notable work of a builder, designer, or architect; or
- e. It is an open waterway of historical interest and significance to the community.

:b

- (1) **Definition.** Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.
 - (2) **Exception.** A permit is not required under this article for alteration of a structure when review of the proposed alteration is required by an agency of the state or federal government.
- (F) **Review Procedure.** The Decision Authority shall hold a public hearing to review any application for the alteration, demolition, or relocation of a designated historic resource. Said public hearing is to be held pursuant to the procedures of this Chapter.
- (G) **Decision.**
- (1) Within 45 days following original public hearing, the Decision Authority shall either:
 - a. Approve the application; or
 - b. Approve the application with modifications or conditions; or
 - c. Deny the application.
 - (2) Any person who either testified or signed in at the public hearing shall be mailed a copy of the preliminary approval, and may have standing to appeal such preliminary approval pursuant to the procedures and fees of Chapters I and III of this Code.
- (H) **Decision Criteria.** Decisions on applications for Modification of a historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards:
- (1) **Alteration:**
 - a. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - b. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - c. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

- e. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - f. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
 - g. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - g. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - h. If a historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shorelands.
- (2) **Demolition.** Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:
- a. The state of repair of the building and reasonableness of the cost of repair.
 - b. Whether a program or project may exist that could result in preservation of the structure.
 - c. Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
 - d. Effects on the public welfare if the structure were demolished considering the significant of the structure and the economic, cultural and energy consequences of demolition.
 - e. Whether any other reasonable alternative exists.
- (3) **Relocation.** Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
- a. Effects of the relocation on the historic and architectural integrity of the structure.

- b. Compatibility with the designated historic resource of the surrounding of the proposed location.
 - c. Other factors considered appropriate by the commission.
- (I) Land Use Action Impacts on Historic Resources. Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances and zone changes. Review and decision on such applications shall be based on:
- (1) The state of repair of the building.
 - (2) The reasonableness of the cost of restoration and repair.
 - (3) The purpose of preserving such designated historical buildings or sites.
 - (4) The character of the neighborhood.
 - (5) Other factors considered appropriate by the Decision Authority .

3.095 Mobile Home Parks.

- (A) Purpose. The regulations contained herein are intended to provide a suitable living environment for the residents of mobile home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a mobile home park must conform before approval.
- (B) Method of Adoption. Pursuant to the requirements of Section 3.035-045, the City Council shall adopt, by order, Mobile Home Park approvals. All proceedings shall be conducted in accordance with this Chapter.
- (C) Application Submittal Requirements.
 - (1) All applications submitted for approval of a mobile home park development shall consist of one reproducible master and two copies of a preliminary development plan. Such plan shall be submitted 30 days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information.
 - a. Name of the person who prepared the plan.
 - b. Name(s) of person owning and/or controlling the land proposed for the park.
 - c. Name of the mobile home park and address.
 - d. Scale and north point of the plan.
 - e. Boundaries and dimensions of the mobile home park.

- f. Facility map showing relationship of mobile home park to adjacent properties and surrounding zoning.
 - g. Location and dimensions of each mobile home site, with each site designated by number, letter or name.
 - h. Location and dimensions of each existing or proposed building.
 - i. Location and width of park streets and pedestrian ways.
 - j. Location of each lighting fixture for lighting the park.
 - k. Location of recreational areas and buildings and common area.
 - l. Location and type of landscaping, fences, walls or combination of any of these, or other screening material.
 - m. Extent, location, arrangement and improvements of all off-street parking and loading facilities.
 - n. Location of available fire hydrants.
 - o. Enlarged plot plan of a typical mobile home space showing location of stand, storage space, parking and sidewalk, utility connections and landscaping.
 - p. The plan shall indicate positions of the mobile home on their stands, so that the Planning Commission may determine entrances, setbacks, etc.
 - q. The plan shall show the topography of the park site with contour intervals of not more than two feet.
 - r. The plan shall indicate the locations of proposed sewerage, water, drainage, and storm sewer systems and all private utilities, including the location and dimensions of all proposed easements.
 - s. Adjacent property owners list.
 - t. Letter or statement from property owner(s) authorizing submittal of the application and development plan.
- (2) At the time of application the applicant shall submit, in addition to the above and as part of the development plan, one reproducible and two copies of the following supplemental materials:
- a. A survey plat of the property.
 - b. Schematic design drawings of all new structures.
 - c. A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.

- d. A sewerage system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Department of Environmental Quality.
 - e. A drainage system plan showing all drainage system improvements on site including stormwater runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.
 - f. Method of garbage disposal.
 - g. Park rules and regulations that will be recorded as deed covenants on the property.
- (D) Approval Criteria. In order to approve a mobile home park request, the following affirmative findings concerning the action must be able to be made by the commission.
- (1) The proposed park is allowable within, and is compatible with the purposes and standards of, the zoning district in which it is proposed.
 - (2) The proposed park satisfies all standards and criteria for mobile home park development and operation as specified in this Code.
- (E) Design Standards. The following standards and requirements shall govern the application of a mobile home park development in an area which it is allowed. The City may require that specific standards be included within covenants and restrictions to be recorded on the land.
- (1) A mobile home park shall not be less than five acres in area.
 - (2) Lots or spaces within the park shall contain a minimum of 3500 square feet, with a width of no less than 30 feet.
 - (3) Only one (1) mobile home dwelling shall be permitted on a lot or space.
 - (4) Mobile homes within a park shall be Class A, B, C or D Manufactured/Mobile units as defined in Chapter V of this Code. A Class D unit must bear a State Insignia of Compliance with standards in effect at the time of its manufacturing.
 - (5) No building, structure or land within the boundaries of a mobile home park shall be used for any purpose, except for the uses permitted as follows:
 - a. Mobile homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
 - b. Private and public utilities and services as permitted by City approval.

- c. Community recreation facilities, including swimming pool, for the residents of the park and guests only.
 - d. One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
- (6) All mobile homes shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least ten (10) feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the Planning Commission may allow ten (10) feet setback to be reduced to five (5) feet, but not the twenty (20) foot setback or the 100 foot setback.
 - (7) Mobile homes shall not be located closer than fifteen (15) feet from any other mobile home or permanent building within the mobile home park, nor closer than ten (10) feet to any park or private roadway. Mobile home accessory buildings, when not attached to the mobile home, shall not be closer than three (3) feet from any mobile home or structure.
 - (8) Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the mobile home for setback purposes.
 - (9) All mobile homes not having a concrete perimeter foundation shall be provided with a foundation stand, which shall be improved to provide adequate support for the placement of the mobile home. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and must be at least as large as the mobile home placed upon it. The stand shall be constructed so that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.
 - (10) All mobile homes shall be required to provide foundation, minimum exterior finishing and construction of accessories in compliance with the Manufactured/Mobile Home Classification standards of Chapter V of this Code. All awnings, carports, cabanas, etc., constructed shall be of material, size and color and pattern so as to be compatible with the mobile home and shall comply with applicable codes.
 - (11) A mobile home park shall have a minimum forty (40) foot wide property line frontage to either a collector or arterial street.
 - (12) The mobile home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required for parks over five (5) acres in size to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed subject to Planning Commission approval of design.
 - (13) Two (2) offstreet parking spaces shall be provided at each mobile home space. Also, additional parking space shall be provided in parking areas

distributed around the park (not part of the common area) not to be less than one(1) parking space per ten (10) units. All offstreet parking spaces are to be all-weather surfaces.

- (14) Adequate street lighting shall be provided within the park in accordance with a plan approved by the Planning Commission.
- (15) All utilities shall be installed underground, unless otherwise approved by the Planning Commission.
- (16) Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the Planning Commission. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least six (6) feet high.
- (17) Fences or windbreaks exceeding forty-two (42) inches high shall be no closer than three (3) feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six (6) feet.
- (18) Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it 8' high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.
- (19) There shall be landscaping within the front and side areas of each mobile home lot setback, and in all open areas of the mobile home park not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the Planning Commission. The maintenance of the open spaces shall be necessary to continue renewals of the park license.
- (20) In the mobile home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis, in accordance with City garbage franchise regulations.
- (21) If storage yards for recreational vehicles, boats or trailers is provided, it should be provided at the rate of up to 100 square feet per mobile home space depending on the clientele served. An eight (8) foot high sight-obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries.
- (22) Signs identifying the mobile home park shall be placed at the entry of the park and shall conform with the requirements of the zoning ordinance for the particular zone in which the mobile home park is located.
- (23) Pedestrian walkways shall be separated from vehicular traffic ways and

maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least three (3) feet wide and be composed of concrete or asphaltic concrete at least three (3) inches thick.

- (24) Although it will not be necessary for vehicular ways to be improved and maintained to "city standards," all vehicular ways shall be based, graded and paved with asphalt or concrete, and shall be continuously maintained by the owner.
- (25) Minimum park street improvement width for unobstructed streets shall be:

	<u>Minor Street</u>	<u>Collectors</u>	<u>Arterials</u>
One Way:	14'	20'	28'
Two Way:	20'	28'	36'

- (F) Right Must be Exercised. Mobile home park approvals granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that approval, unless a longer period is specified or thereafter allowed by the Decision Authority. In case such right has not been exercised, or extension obtained, the approval shall be void. A written request for an extension of time filed with the City Administrator at least 30 days prior to the expiration date of the approval shall extend the duration of the one year period until the Decision Authority has taken action on the request.
- (G) Basic Provisions and Operational Regulations for Mobile Home Parks. Mobile home parks shall be operated and maintained in the manner set forth in Mobile Home Park Operational Standards in Chapter V of this Code.

3.100 Penalties. Any person, firm or corporation who violates any provision of this Chapter is punishable upon conviction by a fine, as provided in Chapter I of this Code.

CHAPTER IV — ZONING

- 4.005 Purpose. This Chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the city, and not limited to, but specifically to achieve the following designated objectives:
- (A) To protect the character and values of land and buildings and economic stability of sound residential, business and industrial districts and to enhance the quality of the desired environment in them by:
 - (1) preventing the intrusion of inharmonious uses;
 - (2) preventing the encroachment on desirable open space appurtenant to each district;
 - (3) providing for safe and efficient movement of existing and future traffic;
 - (4) assuring the provision of necessary off-street parking space for vehicles.
 - (B) To provide for additional growth and development in a manner appropriate to the character of the city and which will contribute to the economic stability of the city and strengthen the basis of its private and governmental economy.
 - (C) To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the city from costs which may be incurred when unsuitable, scattered or premature development occurs.
 - (D) To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
 - (E) To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
 - (F) To promote within various city areas an attractive and pleasing appearance, and to aid in the development of the city by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly and attractive.
 - (G) To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base, areawide, thereby enlarging the opportunity for private investment.
- 4.010 Basic Provisions
- (A) Compliance with Code Required. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Code permits, and then only after applying for and securing all permits and licenses required by all applicable laws.

- (B) Classification of Zones. In order to designate and regulate the size and use of structures and lands within the city, the city is hereby divided into the following zoning districts:

LD	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential
CR	Commercial Retail
CG	Commercial General
ID	Interchange Development
IC	Industrial Commercial
IL	Light Industrial
IA	Industrial/Agricultural
P	Public/Semi Public
/H	Historical Overlay
/AE	Aggregate Extraction Overlay
/FP	Flood Plain Overlay

- (C) Official Zoning Map.

- (1) The zones and their boundaries as specified in this Chapter are shown upon a map, which is designated as the "Official Zoning Map" of the city and which is hereby adopted as part of this Chapter of the Code.
- (2) Such map shall constitute the official record of the zones within the city as of January 1989 and thereafter, as the map may be modified in accordance with the provisions of this Code.
- (3) The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments.

- (D) Zoning of Annexed or Vacated Land.

- (1) All lands which may hereafter be annexed to the city shall be zoned in conformance with the designation of the property on the City Comprehensive Plan.
- (2) Whenever any street, alley or public way is vacated, the zone on each side of such street, alley, or public way shall be automatically extended to the center of such vacated area.

4.015 General Requirements

- (A) Minimum Requirements. In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (B) Minimum Street Width. All street rights-of-way shall conform to requirements in Chapter VI of this Code.
- (C) Lots Abutting A Partial Street.

- (1) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned, unless the yard provided on such lot includes both that portion of the lot lying within the required street and the required yards.
 - (2) This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this Code.
- (D) Street Dedications and Public Improvements. Street dedications and public improvements are to be installed in accordance with the provisions of the the Stayton City Code, Chapter IV, Sections 4.005 to 4.390.
- (E) Buildings to be Accessible to Public Street. Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon a public street or a City approved easement or private road with a right of way of not less than 20 feet. An easement or road shall not serve more than four dwelling units, except when approved under a site plan review or a planned unit development. The terms easement and private road do not include privately owned roadways serving buildings within a single lot.

4.020

General Administrative

- (A) Interpretations of Zoning Code.
- (1) When, in the administration of this Chapter, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission, who shall issue an interpretation of the question if the Commission has determined that such interpretation is within their power and is not a legislative act.
 - (2) Any interpretation of the general provisions of this Chapter shall take place as specified in Chapter I of the Code. Interpretations of zoning boundaries and of uses allowed within specific zoning districts shall take place as specified in sections (B) and (C) below.
- (B) Interpretation of Zoning Boundaries. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Official Zoning Map, the following rules shall apply:
- (1) Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
 - (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

- (3) Where the district boundaries appear to cross unsubdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.
- (C) Uses Not Specifically Covered. The City Administrator or his designee may permit in a zone any use not specifically named or referenced as "typical use" in any district listed in this Chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria below. In making such an interpretation, the Administrator shall consider the following factors :
- (1) Size, scale, configuration, bulk and other characteristics of the requested use.
 - (2) Physical and operational similarity of the use to uses now allowed in the zone.
 - (3) Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The Administrator shall issue written findings reporting the results of this interpretation. Uses specifically allowed in other zones may not be added to zones not containing them and being interpreted in the above manner. All uses authorized by this Process shall, prior to development, be subject to Site Plan Review approval. The decision of the Administrator shall be placed before the City Council for review in the manner proscribed in Section 3.040 for review of Planning Commission actions. The decision shall become final within ten days of the decision being placed before the Council, unless appealed pursuant to Section 3.050.

4.025 Nonconforming Buildings and Uses.

- (A) Continuation of Lawful Use. The lawful use of a building or land existing on January 1989 may be continued although such does not conform to the regulations specified for the zone in which the land or building is located.
- (B) Cessation of Use. If the actual operation of a nonconforming use of a building or land ceases for a period of twelve (12) months, such building and/or land shall be subject to all the regulations specified by this Chapter for the zone in which such building or land is located.
- (C) Repair. A nonconforming structure may be repaired and maintained so long as any such repair or maintenance does not in any way increase its nonconformity and it remains otherwise lawful.
- (D) Alteration or Expansion.
 - (1) A nonconforming building may be altered or changed only provided such change conforms in all respects to the regulations of the zoning district in which the building is located.
 - (2) The expansion of a nonconforming building or use is prohibited, except

that the building or use may be extended to a portion of a structure or property clearly designed or intended for such use as of the time of adoption of this Chapter. Such expansion shall be subject to variance approval procedures pursuant to Chapter III.

4.030 LD (Low Density Residential) District.

- (A) Purpose. To provide for single-family dwelling units and their accessory uses, and with conditional use approval, other uses compatible with single-family dwelling units. Density shall not exceed six units per acre.
- (B) Permitted Uses.
- (1) Detached single-family dwellings.
 - (2) Accessory Structures, provided the requirements of Chapter V are satisfied.
 - (3) Group Day Care Home for fewer than 13 children.
 - (4) Duplex on a corner lot, provided:
 - a. The lot contains a minimum of 10,000 square feet.
 - b. That only one dwelling unit of a duplex on a corner lot shall be permitted to face upon any one street, and that the second unit shall face upon the intersecting street.
 - c. That the yards adjacent to all public rights-of-way shall be 20 feet in depth; and
 - d. That the rear yard shall be 20 feet in depth adjacent to both interior lot lines.
 - (5) Home Occupations, also subject to limitations specified in Chapter V.
- (C) Conditional Uses. The following uses are subject to conditional use approval procedures of Chapter III, and, where indicated, Site Plan Review pursuant to Chapter III.
- (1) Bed & Breakfast Accommodation, also subject to State licensing requirements.
 - (2) Group Care Home.
 - (3) Public Facilities and Services, also subject to Site Plan Review approval.
 - (4) Day Care Facility for more than 12 children, also subject to Site Review approval.
 - (5) Residential Home, also subject to Site Plan Review approval.
 - (6) Public parks, also subject to Site Plan Review approval.

- (7) Antennas in excess of 55 feet in height.
- (D) Height. 35' or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
- (E) Building Setbacks. Minimum front yard depth shall be 20 feet. Minimum sideyard depth shall be 5 feet. Minimum rear yard depth shall be 20 feet. All setbacks shall be measured from property lines, and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width. 8,000 square feet for all lots, 70' frontage (40' for cul-se-sac lots), 70' average width.
- (G) Parking. As specified in Chapter V, including recreational vehicle parking restrictions.

4.035 MD (Medium Density Residential) District.

- (A) Purpose. To provide for single-family, duplex, multi-family, and mobile home dwelling units and their accessory structures, and other compatible uses, with conditional approval. Density of development shall not exceed twelve dwelling living units per acre.
- (B) Permitted Uses.
 - (1) Detached single-family dwelling.
 - (2) Accessory structures, provided the requirements of Chapter V are also satisfied.
 - (3) Public parks.
 - (4) Duplex.
 - (5) Group Day Care Home for fewer than 13 children.
 - (6) Multiple Family Dwellings or complexes, all structures on site combined not to exceed 12 dwelling units per acre, also subject to Site Plan Review approval.
 - (7) Mobile Home Parks pursuant to Chapters III and V, and subject to Site Plan Review approval.
 - (8) Manufactured Home Subdivisions pursuant to Chapter VI.
 - (9) Home Occupations, also subject to limitations specified in Chapter V.
- (C) Conditional Uses. The following uses are subject to conditional use approval procedures of Chapter III, and, where indicated, Site Plan Review pursuant to Chapter III.

- (1) Bed & Breakfast Accommodation, also subject to State licensing requirements.
 - (2) Group Care Home.
 - (3) Public Utility Facilities and Services, also subject to Site Plan Review approval .
 - (4) Day Care Facility for more than 12 children, also subject to Site Plan Review approval.
 - (5) Residential Home, also subject to Site Plan Review approval.
 - (6) Antennas in excess of 55 feet in height.
- (D) Height. 35' or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
- (E) Building Setbacks. Minimum frontyard depth shall be 20 feet. Minimum sideyard depth shall be 5 feet. Minimum rear yard depth shall be 15 feet. All setbacks shall be measured from property lines, and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width.
- (1) All dwellings: 7,000 square feet, 70' frontage (40' for cul-de-sac lots), 70' average width.
 - (2) Mobile Home Park: 5 acres minimum: average 3,500 square feet per mobile home unit.
 - (3) Planned Unit Development: 4 acres minimum, average 3,500 square feet per dwelling unit.
- (G) Parking. As specified in Chapter V, including recreational vehicle parking restrictions.
- (H) Landscaping. Except for single-family dwellings, landscaping requirements of Chapter V to be satisfied for all uses requiring conditional use permit or Site Plan Review.

4.040 HD (High Density Residential) District.

- (A) Purpose. To provide for multi-family residential units and other compatible living units and their accessory structures, and with conditional use approval, other compatible uses. Density: 13 or more dwelling units per acre.
- (B) Permitted Uses. Where indicated below, the following permitted uses are subject to Site Plan Review approval pursuant to Chapter III.
- (1) Duplexes.

- (2) Multi-family dwellings or complexes, also subject to Site Plan Review approval.
 - (3) Accessory Structures, provided the requirements of Chapter V are also satisfied.
 - (4) Public parks.
 - (5) Mobile Home Parks and Subdivisions, provided the requirements of Chapter III and VI are also satisfied. Mobile Home Parks are also subject to Site Plan Review approval.
 - (6) Group Day Care Home for fewer than 13 children.
 - (7) Home Occupations with no employees other than the resident-operator, also subject to limitations specified in Chapter V.
- (C) Conditional Uses. The following uses are subject to conditional use approval procedures of Chapter III, and, where indicated, Site Plan Review pursuant to Chapter III.
- (1) Single-family dwellings.
 - (2) Nursing Home, also subject to Site Plan Review approval.
 - (3) Retirement Home, also subject to Site Plan Review approval.
 - (4) Residential Home, also subject to Site Plan Review approval.
 - (5) Day Care Facility, also subject to Site Plan Review approval.
 - (6) Bed and Breakfast accommodation, also subject to State licensing requirements.
 - (7) Home Occupations, also subject to limitations specified in Chapter V.
 - (8) Public facilities and services.
 - (9) Antennas in excess of 55 feet in height.
- (D) Height. 45' or three stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
- (E) Building Setbacks. Minimum frontyard depth shall be 20 feet. Minimum sideyard depth shall be 5 feet. Minimum rear yard depth shall be 15 feet. All setbacks shall be measured from property lines, and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width.
- (1) All dwellings: 6,000 square feet, 60' frontage (40' for cul-de-sac lots), 60' average width.

- (2) Mobile Home Park: 5 acres minimum: average 3,500 square feet per mobile home unit.
- (3) Planned Unit Development: 4 acres minimum, average 3,500 square feet per dwelling unit.
- (G) Landscaping. Except for single-family dwellings, landscaping requirements of Chapter V to be satisfied for all uses requiring conditional use permit or Site Plan Review.
- (H) Parking. Parking and loading requirements, including recreational vehicle parking restrictions, of Chapter V to be satisfied.

4.045 CR (Commercial Retail) District.

- (A) Purpose. To provide for retail, service and office commercial activities, accessory uses, and with conditional use approval, other compatible uses. Not intended for exclusive residential uses, although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
- (B) Permitted Uses. All uses listed below are subject to Site Plan Review standards of Chapter III.
 - (1) Retail sales outlet (typical uses: hobby shop, second-hand store, office supplies, department store, grocery store, pet store).
 - (2) Consumer-oriented service businesses (typical uses: beauty salon, shoe repair, laundry, print shop, locksmith, photographer).
 - (3) Professional offices (typical uses: medical or dental clinic, tax preparation, optician, attorneys' office, bank).
 - (4) TV and radio broadcasting studios .
 - (5) Automobile or motorcycle sales and rental (excluding service and repair).
 - (6) Commercial recreational facilities and services (typical uses: arcades, exercise gyms, miniature golf courses, swimming pools, tennis courts).
 - (7) Social and public institutions (typical uses: branch educational facilities, community centers, fraternal and civic organizations).
 - (8) Warehouse retail sales (typical uses: electrical equipment, floor coverings, appliance sales, furniture).
 - (9) Eating and drinking establishments (typical uses: restaurants, lounges, delicatessens).
 - (10) Public Facilities and Services.

- (11) Pubic Parks.
 - (12) Day Care Facility.
 - (13) Hotels and Motels.
 - (14) Bed and Breakfast Accomodation, also subject to State licensing requirements.
 - (15) Uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses listed below are subject to conditional use approval procedures pursuant to Chapter III, and require Site Plan Review approval pursuant to Chapter III.
- (1) Manufactured office structures certified by the State of Oregon for commercial occupancy.
 - (2) Radio, television or telephone communication towers.
 - (3) Large recreational facilities, including bowling alleys, taverns, auditoriums, movie theaters, bingo parlors, dance halls, and pool halls.
 - (4) Hospitals.
 - (5) Transportation facilities (bus terminals, heliports).
 - (6) Automotive and motorcycle Service Stations.
 - (7) Home Occupations, also subject to requirements of Chapter V.
 - (8) Antennas in excess of 75 feet in height.
 - (9) Manufactured home as a caretaker residence.
- (D) Height. 60' or four stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than 15 feet above the highest point of the principal structure existing on the property.
- (E) Building Setbacks. Setbacks as determined through Site Plan Review approval. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width. No minimum.
- (G) Frontage. No minimum.
- (H) Parking. All uses are subject to parking and loading requirements of Chapter V.
- (I) Landscaping. Landscaping requirements of Chapter V to be satisfied for all uses requiring conditional use permit or Site Plan Review.

4.050 CG (General Commercial) District.

- (A) Purpose. To provide for heavier commercial activities and their accessory structures, and other compatible uses
- (B) Permitted Uses. All uses listed below are subject to Site Plan Review standards of Chapter III.
- (1) Any use not listed as Conditional Use below which is permitted or conditionally allowed in the CR District.
 - (2) Boat and recreational vehicular sales, storage and service, and mobile home sales.
 - (3) Transient lodging facilities (hotels, motels, RV parks).
 - (4) Day Care Facility.
 - (5) Car washes, automotive repair garages and tire sales/service.
 - (6) Open storage areas, subject to the requirements of Chapter V.
 - (7) Mini-warehouses.
 - (8) Public Facilities and Services.
 - (9) Uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses listed below are subject to conditional use approval procedures pursuant to Chapter III, and require Site Plan Review approval pursuant to Chapter III.
- (1) Auctions and flea markets.
 - (2) Second-hand stores, pawn shops, and transient merchants.
 - (3) Business and industrial wholesalers and services (typical uses: contractors equipment yards and repair, wholesale supply warehouses, automotive body and paint shops).
 - (4) Fuel dealers, cold storage lockers, heavy equipment rental, sales and service, lumber yards and building materials outlets. plumbing and heating supplies, mini warehouses and outdoor storage yards.
 - (5) Recreational vehicle parks.
 - (6) Manufactured office structures certified by the State of Oregon for commercial occupancy.
 - (7) Antennas in excess of 75 feet in height.

- (D) Height. 60' or four stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than 15 feet above the highest point of the principal structure existing on the property.
- (E) Building Setbacks. Setbacks as determined through Site Plan Review approval. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width. No minimum.
- (G) Frontage. No minimum.
- (H) Parking. All uses are subject to parking and loading requirements of Chapter V.
- (I) Landscaping. Landscaping requirements of Chapter V to be satisfied for all uses

4.055 ID (Interchange Development) District.

- (A) Purpose. To provide for the location of needed highway service commercial facilities at the intersections of controlled access highways and arterial roads. All land zoned ID shall have frontage (but not necessarily access) on Highway 22 or an arterial. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
- (B) Permitted Uses. All uses listed below are subject to Site Plan Review procedures pursuant to Chapter III.
 - (1) Service station (gas, oil, lubricating, minor repair).
 - (2) Towing services, not including storage of vehicles.
 - (3) Traveler accommodations, including camping and recreational vehicle parks.
 - (4) Eating places (restaurant, cafe, coffee shop, dining room and tea room).
 - (5) Drive-in eating and snack facilities.
 - (6) Day Care Facility.
 - (7) Manufactured office structures certified by the State of Oregon for commercial or industrial occupancy.
 - (8) Public Facilities and Services.
 - (9) Uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses listed below are subject to conditional use approval procedures pursuant to Chapter III, and require Site Plan Review approval pursuant to Chapter III.

- (1) Commercial uses not listed in Section 4.055 that the Decision Authority finds meet the purposes of the ID zone.
 - (2) Any use set forth in the P (Public/Semi-Public) district.
 - (3) Drive-in Theaters.
 - (4) Antennas in excess of 75 feet in height.
- (D) Height. 60' or four stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than 15 feet above the highest point of the principal structure existing on the property.
- (E) Building Setbacks. None except as determined upon Site Plan Review as being necessary to protect existing adjacent or allowed uses. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width. No minimum.
- (G) Frontage. No minimum.
- (H) Parking. All uses are subject to parking and loading requirements of Chapter V.
- (I) Landscaping. Landscaping requirements of Chapter V to be satisfied for all uses
- (J) Open Storage Areas. Subject to the requirements of Chapter V.

4.060 IC (Industrial Commercial) District.

- (A) Purpose. To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
- (B) Permitted Uses. All uses listed below are subject to Site Plan Review standards of Chapter III.
- (1) Any use allowed in the IL (Light Industrial) district.
 - (2) Service commercial uses (typical uses: collection agencies, interior decorating services, printing services and publishing houses, commercial storage facilities, upholstery shops, parcel delivery, wholesale trade, lumber brokers' offices).
 - (3) Heavy commercial uses (typical uses: cabinet shops, mobile home repair, industrial and heavy equipment service, rental and repair, recycling centers, carpet cleaning works).
 - (4) Combination of industrial and commercial businesses (typical uses: sheet metal shops, irrigation equipment supply, ceramic and glass studios, bottling works, freight yards and terminals).
 - (5) Day Care Facility.

- (6) Mini-warehouses.
- (7) Fuel dealers, cold storage lockers, heavy equipment rental, sales and service, lumber yards and building materials outlets, plumbing and heating supplies, mini warehouses and outdoor storage yards.
- (8) Antennas over 75' in height.
- (9) Uses clearly accessory and subordinate to the above.
- (C) Height. No maximum, or as may be established to protect adjacent uses as a part of a conditional use or Site Plan Review approval action.
- (D) Yard Area. No minimum.
- (E) Building Setbacks. None except as determined upon Site Plan Review as being necessary to protect existing adjacent or allowed uses. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Frontage. No minimum.
- (G) Parking. All uses are subject to parking and loading requirements of Chapter V.
- (H) Landscaping. Landscaping requirements of Chapter V to be satisfied for all uses.
- (I) Open Storage Areas. Subject to the requirements of Chapter V.

4.065 IL (Light Industrial) District.

- (A) Purpose. To provide for light manufacturing, assembly or storage areas that will not conflict with less intensive uses.
- (B) Permitted Uses. All uses listed below are subject to Site Plan Review standards of Chapter III.
 - (1) Dwelling for a caretaker or watchman.
 - (2) Manufacturing of metal products (not including primary manufacturing).
 - (3) Metal stampings.
 - (4) Manufacturing of prefabricated wood and metal products.
 - (5) Prefabrication of modular housing components and products.
 - (6) Machinery manufacturing and processing.
 - (7) Industrial machinery service.
 - (8) Paper and allied products manufacturing (excluding pulpmills).
 - (9) Petroleum, petroleum byproducts manufacturing and storage.

- (10) Transportation equipment manufacturing.
 - (11) Real and personal property auction yard.
 - (12) Machinery service and repair.
 - (13) Wood fuel dealer.
 - (14) Construction and mining equipment manufacturing.
 - (15) Electrical equipment and components manufacturing.
 - (16) Warehouses, Mini-warehouses.
 - (17) Wholesale distributing firm.
 - (18) Business form manufacturing.
 - (19) Cannery, canning, freezing, drying, food processing and preserving.
 - (20) Retail uses, including fuel dealers, cold storage lockers, heavy equipment rental, sales and service, lumber yards and building materials outlets, plumbing and heating supplies, mini warehouses and outdoor storage yards.
 - (21) Public Facilities and Services.
 - (22) Open storage areas subject to the provisions of Chapter V.
 - (23) Commercial uses associated with agricultural activities (typical uses: seed and feed supply, farm implement sales and service, garden and yard supplies, irrigation equipment sales and service, landscaping equipment and services).
 - (24) Manufactured office structures certified by the State of Oregon for commercial or industrial occupancy.
 - (25) Day Care Facility.
 - (26) Uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses listed below are subject to conditional use approval procedures pursuant to Chapter V, and require Site Plan Review approval pursuant to Chapter V.
- (1) Mineral and aggregate manufacturing and processing, also subject to the provisions of the AE (Aggregate Extraction) Overlay district (Section 4.085).
 - (2) Cement, glass, clay and stone products manufacturing.
 - (3) Pulp mill.

- (4) Primary metal, wood or fabric manufacturing.
- (5) Livestock auction yard.
- (6) Sawmill.
- (7) Automotive wrecking yards.
- (8) Industrial activities involving the use or storage of chemicals or explosive or flammable compounds.
- (9) Solid Waste disposal sites and facilities.
- (10) Heliport, personal use airport.
- (11) Antennas over 75' in height.
- (E) Height. No maximum, or as may be established to protect adjacent uses as a part of a conditional use or Site Plan Review approval action.
- (F) Building Setbacks. Ten feet where adjacent to a residential district, or as established to protect adjacent uses through a Site Plan Review. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (G) Lot Area and Width. No minimum.
- (H) Frontage. No minimum.
- (I) Parking. All uses are subject to parking and loading requirements of Chapter V.
- (J) Landscaping. Landscaping requirements of Chapter V to be satisfied for all uses.

4.070 IA (Industrial Agriculture) District.

- (A) Purpose. To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
- (B) Permitted Uses. Where indicated below, subject to Site Plan Review approval.
 - (1) Cannery spray irrigation, by DEQ permit; also subject to Site Plan Review.
 - (2) Agricultural activities.
 - (3) Commercial uses associated with agricultural activities (typical uses: seed and feed supply, farm implement sales and service, garden and yard supplies, irrigation equipment sales and service, landscaping equipment and services).
 - (4) Public Facilities and Services, subject to Site Plan Review approval.

- (5) Uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses subject to conditional use procedures of Chapter III.
 - (1) Canning, freezing, drying, and other similar processing and preserving of agricultural products.
 - (2) Single family dwellings.
 - (3) Outdoor recreation facilities (typical uses: golf courses, campgrounds, riding stables and arenas, playgrounds, stadiums, racetracks, fairgrounds), subject to Site Plan Review approval.
 - (4) Antennas over 55' in height.
- (D) Height. 35' or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
- (E) Building Setbacks. Minimum frontyard depth shall be 25 feet. Minimum sideyard depth shall be 10 feet. Minimum rear yard depth shall be 25 feet. All setbacks shall be measured from property lines, and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (F) Lot Area and Width. Minimum 5 acres.
- (G) Frontage. No minimum.

4.075 P (Public/Semi-Public) District.

- (A) Purpose. To allow for the location and use of public lands, buildings and facilities in a manner that will not unreasonably disrupt or alter areas of the community.
- (B) Permitted Uses. Where indicated below, subject to Site Plan Review approval.
 - (1) All publicly owned buildings and facilities (typical uses: city halls, community centers, libraries, schools, fire stations, water and sewage facilities)
 - (2) Semi-public facilities (churches, temples, lodges, cemeteries, mortuaries, crematoriums, golf courses, etc.), subject to Site Plan Review.
 - (3) Public outdoor recreational facilities (playgrounds, parks, swimming pools, golf courses, picnic grounds) .
 - (4) Public open space uses (nature preserves, scenic areas, beaches)
 - (5) All uses clearly accessory and subordinate to the above.
- (C) Conditional Uses. All uses subject to conditional use provisions of Chapter III, and are subject to Site Plan Review approval pursuant to Chapter III.

- (1) Commercial recreational services (typical uses: marinas, yachting clubs and marinas, recreational vehicle rentals, amusement parks, race tracks).
 - (2) Fraternal and civic organizational facilities.
 - (3) Hospitals and overnight clinics.
 - (4) Private schools and branch educational facilities.
 - (5) Solid waste disposal and recycling sites and facilities.
 - (6) Commercial airport.
 - (7) Mineral and aggregate manufacturing and processing, also subject to the provisions of the AE (Aggregate Extraction) Overlay district (Section 4.085), limited to operations under the management of a public agency.
 - (8) Antennas in excess of 75 feet in height.
- (D) Height. 60' or four stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than 15 feet above the highest point of the principal structure existing on the property.
- (E) Setbacks. No minimums except as provided through a Conditional Use Permit.
- (F) Lot Area and Width. No minimum, although setbacks in certain areas are subject to Special Street and Riparian Setback provisions of Chapter V
- (G) Frontage. No minimum.

4.080 H (Historical) Overlay District.

- (A) Purpose. This District is intended to apply to those lands containing historical sites or structures as identified within the City Historic Structures Inventory and within the City Comprehensive Plan, and to protect these designated sites or structures from loss.
- (B) Regulations. No structure or site designated as historical in the Comprehensive Plan may be altered in such a manner as to destroy its historical significance. The destruction, except by natural causes, of any structure designated historical in the Comprehensive Plan is prohibited.
- (C) Uses.
- (1) Historical structures or sites may be used for the uses described in the parent zoning district in which it is located, provided the character of the structure is not changed so as to destroy its historical significance.
 - (2) Designation, deletion, and modification of structures listed in the City of Stayton Historic Structures Inventory shall be subject to the requirements

of Code Section 3.090 (Historic Preservation regulations).

4.085 AE (Aggregate Extraction) Overlay District.

- (A) Purpose. The purpose of the AE Overlay district is to protect identified extraction sites for present and future use, to provide for the development and utilization of identified deposits of aggregate resource materials on land that is zoned and planned for other uses; to establish siting criteria and operating standards for aggregate resource extraction that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for aggregate resource activity.
- (B) Application. The AE Overlay district may be placed on properties identified in the City Comprehensive Plan as appropriate for the extraction of aggregate resources, when developed in accordance with the standards herein. This overlay zone shall be designated for a given property and the provisions, requirements, and restrictions found herein shall be in addition to the found in the underlying primary zone. Where there are conflicts between the requirements of the AE Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.
- (C) Permitted Uses. All Permitted Uses in the underlying primary zone.
- (D) Conditional Uses. Requires Conditional Use approval pursuant to Chapter V of this Code, and a minimum parcel size of five acres. Findings must also be made that a sufficient quality and quantity of aggregate resource exists at the site to satisfy a market or public agency need, and that approval of the use will not cause immediate or long-term land use conflicts which cannot be satisfactorily mitigated. Conditional Uses are:
- (1) Aggregate extraction, processing and stockpiling from the same site where extraction takes place.
 - (2) Any structure necessary and appurtenant to the above use.
- (E) Operating Standards.
- (1) Setbacks.
 - a. Extraction shall not be conducted within 100 feet of any property boundary; and shall not be conducted closer than 300 feet from any dwelling existing at the time of the adoption of this district.
 - b. All extraction-related structures shall be set back a minimum of 100 feet from property boundaries.
 - c. No processing of aggregate shall take place within 300 feet of any property boundary.
 - d. No stockpiling of aggregate shall take place within 100 feet of any property boundary; and shall not be any closer than 500 feet from any dwelling existing at the time of adoption of this ordinance.

- e. Notwithstanding the above, setbacks in certain areas are also subject to Special Street and Riparian Setback provisions of Chapter V.
- (2) Screening. Adequate screening with indigenous planting shall be preserved or established to block the view of the extraction site from any public road, residential zoning district, and from any existing dwelling located within 1,000 feet of the site prior to establishment of the AE Overlay designation. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. The plan for this landscaping, fencing, berms or other similar site obscuring devices, shall be submitted on the site plan for conditional use approval.
- (3) Operations.
- a. All excavation, processing and stockpiling of aggregate resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public.
 - b. There shall be no blasting at the site.
 - c. No more than 10,000 cubic yards of aggregate material may be excavated from the site in any 365 day period.
 - d. All excavation, processing, stockpiling operations, maintenance, and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration, surface water pollution or erosion.
 - e. Any extraction operation shall not exceed Department of Environmental Quality noise emissions, air contamination and water quality standards. Additionally, appropriate federal environmental quality permits shall be obtained for each site. All required permits shall be obtained from the Oregon Department of Geology and Mineral Industries (DOGMI)
 - f. Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito breeding areas or shall be backfilled with a material that will not impair groundwater quality.
 - g. All access to an aggregate extraction site shall be by a route or routes approved by the Planning Commission and shall be constructed and maintained in such a manner as to eliminate, as far as practicable, noise or dust which adversely affects persons living in the vicinity, or crops or livestock being raised in the vicinity.

(4) Land Reclamation.

- a. Any parcel or site used as a mineral resource site for which a reclamation plan is required by DOGMI shall be reclaimed in accordance with a site operation and reclamation plan on file with and approved by the City that is consistent with the DOGMAI reclamation plan.
- b. The required reclamation plan shall be filed as part of the conditional use permit application and shall be a condition of the conditional use permit. If any change in the reclamation plan requires that an amendment be approved by DOGMI, said amendment shall also require approval by the City.
- c. Aggregate extraction operations that existed of the date of the adoption of this Section are required to file with the Planning Commission a reclamation plan within one year of the date of the adoption.
- d. The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.
- e. The approved reclamation plan shall require all excavations to be backfilled, contoured or terraced or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
- f. The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the depth of the original overburden, or to a depth adequate to achieve the required reclamation use.
- g. The approved reclamation plan may, at the City's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

(F) Application Requirements. In addition to the standard procedures for applying for a conditional use as set forth in Chapter V, the following material must be included. All plans must be prepared and submitted as a scale no smaller than one foot to two hundred feet (1:200).

- (1) Documentation required for Site Plan Review approval pursuant to Chapter III.
- (2) Plans showing the location, area, dimensions, acreage and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.
- (3) Provisions for landscaping and screen-planting of all parts of the site.

- (4) Provisions for preventing the collection and stagnation of water at all times of the operation.
- (5) Plans for reclamation at the site.

4.090 FP (Floodplain) Overlay District

- (A) Purpose. To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.
- (B) Regulations. Except as in (c) below, as provided in Section 4.095 of this Code (National Flood Insurance Program).
- (C) Floodway. No development is allowed in the floodway, as defined on the HUD Flood Maps developed for the City.
- (D) Flood Fringe. Development must conform to the Building Code, Zoning District and the Flood Protection Regulations of the Flood Insurance Program. All structures must have the ground floor elevated one foot above the 100-year flood elevations.

4.095 Flood Control Regulations (National Flood Insurance Program).

- (A) Authority. These regulations are intended to apply to those lands subject to the FP(Floodplain) Overlay district (Section 4.090). 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
- (B) Findings of Fact
 - (1) 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.
 - (2) 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 the the flood loss.
- (C) Statement of Purpose. It is the purpose of this Code Section 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:
 - (1) To protect human life and health;
 - (2) To minimize expenditure of public money and costly flood control projects;

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) To minimize prolonged business interruptions;
 - (5) 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;
 - (6) 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;
 - (7) To ensure that potential buyers are notified that property is in area of special flood hazard; and
 - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (D) Methods of Reducing Flood Losses. In order to accomplish its purposes, this Section includes methods and provisions for:
- (1) 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;
 - (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (E) 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.
- (F) 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.

- (G) 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.
- (H) 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 man-made 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.
- (I) 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 I of this Code. Application for a development permit shall be made on forms provided by the City Planner. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level, of the lowest (including basement) of all structures;
 - (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.095(N)(2).
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (J) 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.
- (K) Duties and Responsibilities of the Building Official. Duties of the Building Official shall include, but not be limited to:
 - (1) Permit Review
 - a. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
 - 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 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 4.095(O) are met.

- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 4.095(F) "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 4.095(N)(1), "Specific Standards, Residential Construction," and 4.095(N)(2), "Specific Standards, Nonresidential Construction," and 4.095(O), "Floodways."
- (3) Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.095(K)(2).
 - a. 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 mean sea level), and
 - ii. Maintain the floodproofing certifications required in Section 4.095(I).
- (4) Alteration of Watercourses.
 - a. 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.
 - b. Require that maintenance is provided within the altered or relocated 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 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 as provided in Chapter III of this Code.
- (L) Variiances. Variiances shall be processed and acted upon pursuant to the procedures and criteria of Code Chapter III. Approvals of variiances may be conditional upon the satisfaction of both general variance criteria and those criteria and standards particular to flood hazard regulatory objectives.

(M) General Construction and Development Standards. In all areas of special flood hazards, the following standards are required:

(1) Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. 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:
 - i. 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.
 - ii. 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.
 - iii. All components of the anchoring system be capable of carrying a force 4,800 pounds.
 - iv. Any additions to the manufactured house be similarly anchored.
- c. 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.

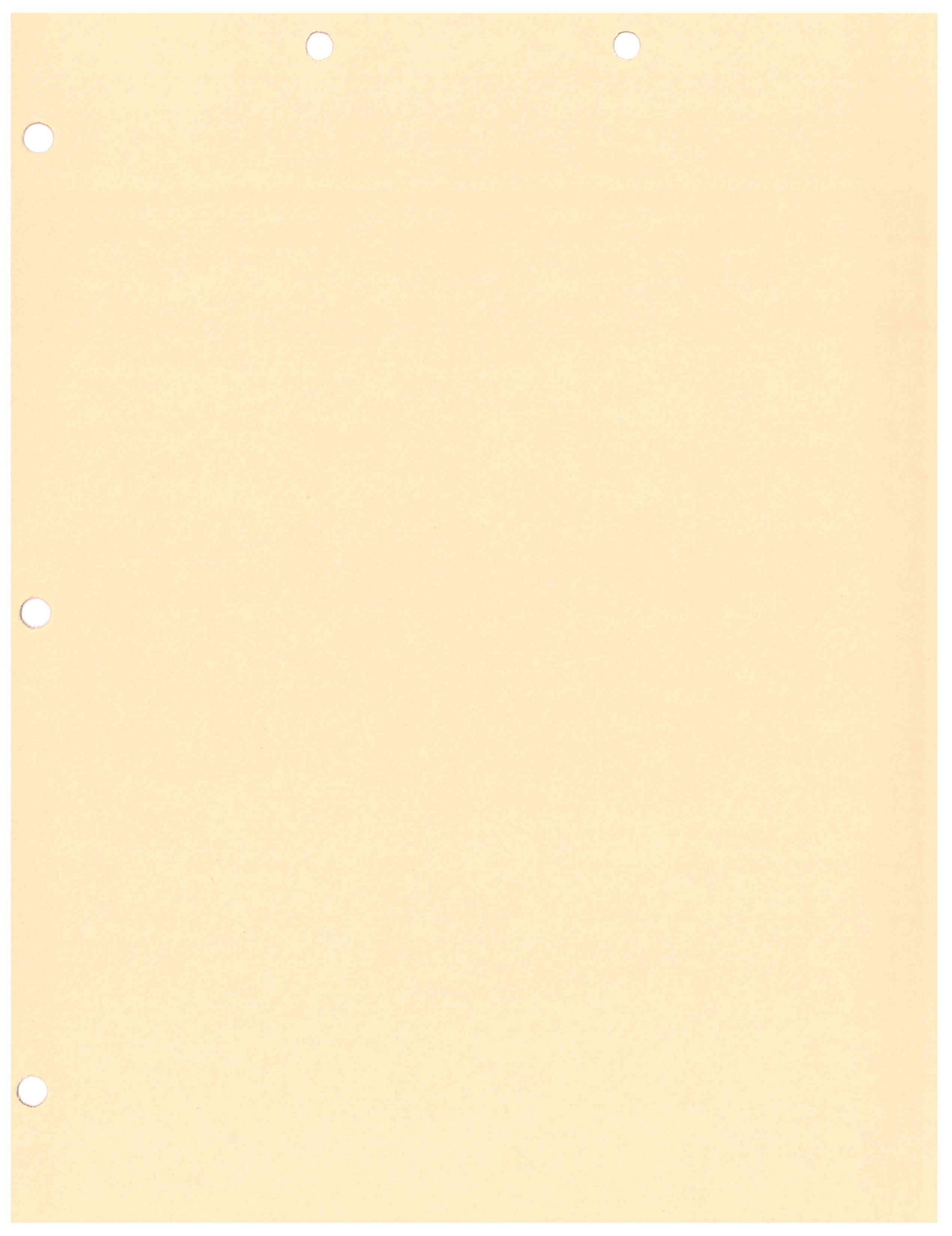
(2) Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. 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.

- (3) Utilities.
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. 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
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) 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 Code Chapter VI.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. 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 5 acres (whichever is less).
- (5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.095(K)), 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 judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- (N) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.095(F) "Basis for Establishing the Areas of Special Flood Hazard," or Section 5.095(K)(2) "Use of Other Base Flood Data," the following provisions are required:
- (1) Residential Construction.
- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

- b. 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:
 - i. 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.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Opening may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (2) 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:
- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy.
 - c. 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 4.095(K).
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.095(K)(1)(b).
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (O) Floodways. Located within areas of special flood hazard established in Section 4.095(F) 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:

- (1) 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.
- (2) If (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4.095(M), General Standards.
- (3) Prohibit the placement of any mobile homes, except in an existing mobile home park subdivision.



CHAPTER V — DEVELOPMENT AND IMPROVEMENT STANDARDS

- 5.005 Purpose. The intent of this Chapter is to designate specific standards and criteria for the development of property within the City. Purposes of these standards and criteria are to require the development and improvement of property within the City in a manner which will not bring about potential land use conflicts, which will comply with all applicable City regulations, which will provide for site development in a logical and efficient manner, and which will promote a safe, healthful and attractive urban environment within the City.
- 5.010 Interpretation. Provisions of this Chapter are applied in addition to the standards and criteria of other Chapters of this Code. Nothing in this Chapter is intended to waive or otherwise limit the applicability of other provisions of this Code.
- 5.015 Dimension Restrictions.
- (A) Location of Buildings. Every building erected shall be located on a lot as herein defined.
- (B) Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building to comply with zoning district requirements shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.
- (C) Setbacks. The setback provisions cited below are in addition to the building setbacks cited in zoning districts in Chapter IV, and are applicable only to the specific items listed below.
- (1) Front Yard Projections.
- a. Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels and other ornamental features which extend horizontally not more than 24 inches from main buildings are exempt from front setback requirements.
- b. Uncovered porches and covered unenclosed porches not more than one story high and the floors of which are not more than four feet above grade, may extend not more than 10 feet beyond the front walls of the building; but in no case shall such projection come closer than 10 feet from the front property line.
- (2) Side Yard Projections.
- a. Cornices, eaves, gutters and fire escapes, when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, or more than three feet, whichever is the lesser.

- b. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other ornamental features may project not more than one and one half feet into a required side yard, provided, however, that chimneys and flues do not exceed six feet in width.
- c. Uncovered decks and patios attached to the main building, when three feet or less in height from ground level, may be extended to the side yard property line, but in no case shall be closer than ten feet to a street right of way.

(3) Rear Yard Projections.

- a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other ornamental features may project not more than one and one half feet into a required rear yard, provided, however, that chimneys and flues do not exceed six feet in width.
- b. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five feet into a required rear yard, provided they are set back at least six feet from any property line.
- c. Planter boxes, steps, uncovered porches, covered but unenclosed porches and covered patios, when not more than one story high and the floors of which are not more than four feet above grade, shall not come closer than 14 feet from the rear lot line.
- d. Except as allowed under (e) below, no permitted projection into a required rear yard shall extend within 10 feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory building.
- e. Uncovered decks and patios attached to the main building, when three feet or less in height above ground level, may be extended to the rear yard property line.

5.020 Special Regulations for Accessory Buildings.

- (A) Application of Regulations. The regulations set forth herein shall apply to all residential zones and to buildings in any other zone used in connection with residential purposes.
- (B) Height.
 - (1) The maximum height of any accessory building shall be eight feet at the property line. Such maximum height may be increased by one foot for each one foot of distance from the property line to a maximum height of 15 feet.
 - (2) Roof drainage shall be accommodated within the confines of the property.
- (C) Front Yards and Yards Adjacent to Streets. Any accessory building, except

fences, which has any portion extending above grade shall observe the same setback requirements as the main building.

- (D) Side Yards, Interior. Accessory buildings not attached to the main building located in an interior side yard shall be set back at least five feet from any lot line.
- (E) Rear Yards. Within interior rear yards and portions of rear yards not abutting a street, an accessory building may be placed on the property line except along an alley; all buildings except fences shall be at least one foot from the alley.
- (F) Accessory Buildings Attached to the Main Building.
 - (1) Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building, except for certain projections as provided in Section 5.015.
 - (2) Accessory buildings shall be considered as being attached to the main building when any portion of the accessory building is located within four feet of the main building.

5.025 Fences.

- (A) Front Yards. Fences, walls and hedges in any yard adjacent to a street and on or within 10 feet of the property line may be up to 48 inches in height, provided that the portion of the fence above 24 inches in height is at least 50 percent open.
- (B) Side and Interior Yards. Fences and walls located on a side or rear property line or in a yard area may be up to seven feet in height except as restricted above. Hedges on side and interior yards shall have no height restriction.
- (C) Use of Hazardous Materials. Fences shall not be constructed of or contain any material which will do bodily harm such as barbed wire (except as necessary for security fences in commercial and industrial districts), electric wires (other than stock fences), broken glass, spikes, and any other hazardous or dangerous material.

5.030 Offstreet Parking and Loading.

- (A) New and Existing Facilities. Offstreet automobile parking areas and offstreet loading areas as set forth below shall be provided and maintained:
 - (1) For any new building erected.
 - (2) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building.
 - (3) When the use of any existing building in Section (F) below is changed, and which changed use would require additional parking areas and offstreet loading areas under the provisions of this Code.

(B) Residential and Recreational Vehicle Parking Restrictions.

- (1) Non-Recreational Vehicles. No parking shall be allowed exclusive of driveways within the required front yard area. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Code.
- (2) Recreational Vehicles. The following standards apply to the off-street parking and storage of recreational vehicles within any residential zone:
 - a. No off-street parking or storage of recreational vehicles shall be allowed within the front yard except on driveways. Recreational vehicles may be parked in either a driveway, side yard, or rear yard. On corner lots, recreational vehicles may be parked in a side yard abutting a street.
 - b. A maximum of three recreational vehicles may be parked or stored outside a fully enclosed structure on a single parcel of property.
 - c. Recreational vehicles, which are required to have state licensing if operated, towed, or carried upon a public highway, shall be required to display a current and valid state license if parked or stored outside a fully enclosed structure.
 - d. Recreational vehicles shall not be parked or stored on any portion of a property when such parking of the vehicle inhibits the necessary view of oncoming traffic.
 - e. No portion of a parked recreational vehicle may block any portion of a sidewalk.
 - f. Permanent occupancy of recreational vehicles is prohibited. temporary occupancy must comply with Section 5.055 of this Code.
 - g. On-street parking of recreational vehicles and boats is prohibited except in compliance with City Traffic Code requirements.
 - h. The Chief of Police may grant a permit for outside storage of a single recreational vehicle in a portion of the front yard when the following circumstances exist:
 - i. The storage area is on a concrete pad.
 - ii. The recreational vehicle storage area is screened from the street and/or sidewalk by a sight-obscuring hedge or fence. The screening, hedge or fence must comply with Section 5.025 of this Code.
 - iii. The recreational vehicle storage area does not create any safety hazards to on-coming traffic.

iv. The recreational vehicle storage area, recreational vehicle, screening, or fencing are continuously maintained.

- (C) Reduction of Required Areas Prohibited. Offstreet parking and loading areas which existed on the effective date of the this Code shall not be reduced below the required minimum as set forth in this Code unless a parking plan is approved by the Public Works Director as being suitable to meet the needs of the use or uses proposed.
- (D) Location. Offstreet parking and loading areas shall be provided on the same lot with the main building or use except that in any Commercial , Industrial or Public district, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.
- (E) Joint Use. One parking area may be used jointly between users only if the number of given spaces satisfies the greater requirement and the demand is clearly and distinctively independent of each other's use. Both parties must agree in writing to a joint parking arrangement, and the agreement must be recorded to both properties, with a copy going to the city.
- (F) Requirements for Automobile Parking. Off-street automobile parking shall be provided in the manner required by Section (I) below and approved by the Director of Public Works in the amount not less than those listed in this section and in section (G) below:

<u>Use</u>	<u>Parking Required</u>
(1) One or two family dwellings.	Two spaces per dwelling unit, in addition to garage parking.
(2) Multi-family dwellings, three or more units located on the same lot.	One and 1/2 spaces per dwelling unit, in addition to garage parking.
(3) Hotel, motel and boarding houses.	One space per guest room plus one space for the owner or manager.
(4) Club, Lodge.	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel restaurant, auditorium, etc.
(5) Hospital, nursing home.	One space per two beds plus one space per two employees.
(6) Churches, auditorium, stadium, theater.	One space per four seats or every eight feet of bench length.

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| (7) | Elementary or junior high school | Two spaces per classroom plus offstreet loading and unloading facility for students. |
| (8) | High school | One space per classroom plus one space per employee, plus one space for each ten students, plus offstreet student loading and unloading facilities. |
| (9) | Bowling alley, skating rink, community center. | One space per 100 square foot of gross floor area, plus one space per two employees. |
| (10) | Retail store, except as provided in subsection (11) | One space per 400 square feet of gross floor area plus one space per two employees. |
| (11) | Service or repair shop, retail store handling exclusively bulky merchandise such as automobile or furniture. | One space per 600 square feet of gross floor area plus one space per two employees. |
| (12) | Bank office buildings (except medical and dental). | One space per 600 square feet of gross floor are, plus one space per two employees. |
| (13) | Medical and dental clinic. | One space per 300 square feet of gross floor area, plus one space per two employees. |
| (14) | Eating or drinking establishments. | One space per four seats or every eight feet of bench length |
| (15) | Storage warehouse; manufacturing. | <p>0-49,999 square feet gross floor area: One space per 5,000 square feet or one space per employee, whichever is greater.</p> <p>50,000-99,000 square feet gross floor area: One space per 10,000 square feet or one pace per employee, whichever is greater.</p> <p>100,000 square feet and over gross floor area: One space per 15,000 square feet or one space per employee, whichever is greater.</p> |

- (16) Wholesale establishment One space per employee or . 1,000 square feet of gross floor area whichever is greater, plus one space per 700 square feet of patron-serving area.
- (17) Municipal and government buildings. One space per 600 square feet of gross floor area, plus one space per two employees.
- (18) Requirements for a building or development not specifically listed herein shall be determined by the Director of Public Works based upon the requirements of comparable uses listed.
- (19) If the Commission finds that their use will satisfy the requirements of the activity proposed, garages may qualify for purposes of calculating the number of parking spaces.
- (20) When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts.
- (21) When the required spaces are calculated by this subsection becomes greater than one-third of a space, the number shall be rounded up.
- (22) The Public Works Director may allow the use of tandem parking spaces for employees where it is shown that there will be no conflicts in the use of the parking area provided.

(G) Handicapped/Disabled Parking.

- (1) In addition to parking spaces required above, the following ratios of parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided, and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed:

<u>Total Spaces</u>	<u>Minimum Required H/D Spaces</u>
1 to 50	1
51 to 100	2
101 to 200	3
201 to 300	4
301 or more	One space per 200 parking spaces or fraction thereof.

- (2) Handicapped/disabled parking spaces shall be designated as reserved for such use by a sign showing the international symbol of accessibility. Such a sign shall be designed so as to not be obscured by a vehicle parked in the space.

- (3) Parking spaces for handicapped/disabled persons shall be at least eight feet wide and eighteen feet long and shall have an abutting access aisle of at least five feet in width. Two such parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.
 - (4) Passenger loading zones shall provide an access aisle at least four feet wide and twenty feet long abutting and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided.
- (H) Offstreet Loading Requirements. Offstreet loading space shall be provided as listed below.
- (1) All Commercial buildings containing 5,000 to 20,000 square feet shall provide a minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high exclusive of streets, alleys, driveway or sidewalk.
 - (2) All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high exclusive of streets alleys, driveways or sidewalks in the following amounts:
 - a. For buildings containing 20,000 to 30,000 square feet of gross floor area: one space (1)
 - b. For each additional 40,000 square feet of gross floor area, or any portion thereof: one space (1).
- (I) Development Requirements. All parking and loading areas shall be developed and maintained as follows:
- (1) Location. Parking and loading areas may be located within side and rear yard setbacks if they satisfy Code standards. Areas and spaces within setbacks adjacent to streets shall not be used to satisfy the requirements of (H) above, and in no case may loading areas be allowed within 10 feet of a curb or curblines, or within 5 feet of a sidewalk or sidewalk alignment. These setback areas may be paved or planted but shall never exceed a height of two feet above the street grade.
 - (2) Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk.
 - (3) Design of parking spaces and driveways. Except where provided for by (G) above, the following standards shall apply to all parking areas and driveways:
 - a. The minimum dimension of a parking space shall be nine feet wide by eighteen feet long exclusive of driveways. Up to 50 percent of the required parking spaces may be nine feet by sixteen feet provided they are clearly marked as compact car spaces.

- b. Driveways providing travel in both directions shall have a minimum clear width of 20 feet, exclusive of parking spaces. Driveways providing travel in one direction shall have a minimum clear width as shown below:

<u>Angle</u>	<u>Minimum One-Way Driveway Width</u>
Parallel	12 ft.
30 degree	12 ft.
45 degree	13 ft.
60 degree	18 ft.
80 degree	24 ft.
Perpendicular	24 ft.

- c. Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into, and out of, the lot where possible and should be located at least 50 feet from intersections where possible.
- d. Backing into or across a street, sidewalk or right of way from any parking lot shall be prohibited. The perimeter shall prevent access to or from the parking lot except at designated entrances and exits.

(4) **Screening:** When any commercial or industrial, or residential with over 6 spaces, parking or loading area is adjacent to any Residential district, such parking or loading area shall be screened from all adjacent residential properties with an ornamental fence, wall or hedge at least four feet high but not more more than seven feet high, except along an alley, pursuant to the provisions of this Code.

(5) **Lighting:** Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area and shall be deflected away from any moving vehicles on public right of way.

(I) **Permits Required.** Prior to construction of any off street parking or loading area, plans and specifications shall be submitted to the City Public Works Director for approval. Upon satisfaction, the Director shall approve the plans and issue a permit to construct the parking or loading area.

(J) **Variances.** Variances from parking and loading standards shall be processed pursuant to Chapter III. Action shall not be taken on a request to vary these standards without a recommendation from the City Public Works Director.

5.035 **Open Storage Areas.** Where allowed by zoning districts, the development and use of open storage areas shall conform to the following standards.

(A) All yard areas not otherwise required to be landscaped may be used for materials and equipment storage yards or areas provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall of at least six feet in height, or a compact evergreen hedge planted at three feet and capable of obtaining a

minimum height of six feet. Any such fence, wall, or hedge shall be located on the property at the required frontyard building setback line, and may be located on or within the rear and side yard property lines.

- (B) If any material or equipment projects above the six foot screen, then a screening plan will be submitted to the Planning Commission for approval.
- (C) The surface of such area shall be maintained at all times in a dust-free conditions, except, that all driveways and loading areas shall be paved, as provided in this Chapter.
- (D) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.

5.040 Special Street and Riparian Setbacks.

- (A) Special Street Setbacks. On the following named streets there shall be a minimum building setback of 50 feet, measured at right angles from the centerline of the street right-of-way:
 - (1) Ida Street, extending from N. Fourth Avenue to the west city limits.
 - (2) First Avenue, from south city limits to north city limits.
 - (3) Washington Street, extending from N. Sixth Avenue to the west city limits.
 - (4) N. Sixth Avenue from Washington Street to E. Jefferson Street.
 - (5) E. Jefferson Street from N. Sixth Avenue to N. Tenth Avenue.
 - (6) Mehama Road from N. Tenth Avenue to the east city limits on Mehama Road.
 - (7) Golf Club Road from Highway 22 to Shaff Road.
 - (8) Wilco Rd.
- (B) Riparian Setback and Vegetation Maintenance Requirements.
 - (1) Application of Riparian Setback Standards. Setbacks for development as defined in this Code shall be observed for all lands within the City adjacent to Mill Creek, Salem Ditch and the North Santiam River.
 - (2) Riparian Setback Areas. The riparian setback area for all new development other than a fence, sign or pedestrian way, except as allowed under (3) below, shall be 15 feet from ordinary high water along the Salem Ditch and 35 feet along Mill Creek and the North Santiam River.
 - (3) Improvements Within Setback Areas. Along the Salem Ditch, decks or patios attached to a dwelling which do not exceed four feet above ground

level may extend into the setback area no more than five feet from ordinary high water.

- (4) Vegetation Maintenance Standards. Within the riparian setback area, the following standards for maintenance of riparian vegetation shall apply:
- a. Along Mill Creek and the North Santiam River, no more of a parcel's existing riparian vegetation shall be removed from the setback area than is necessary for the placement or development, outside of the riparian zone, of use(s) permitted by the zoning district. Vegetation removed in such a manner shall, to the extent practicable, be replaced with similar or the same indigenous vegetation during the next planting season. In no case shall the 25% standard in (b) below be exceeded.
 - b. Along Mill Creek and the North Santiam River, except for the uses specifically cited below, no more than 25% by area, on any given parcel, of existing natural riparian vegetation shall be removed for any reason within the riparian setback area.
 - i. Dead or diseased vegetation, or vegetation which constitutes a hazard to public safety or a threat to existing healthy indigenous vegetation;
 - ii. Vegetation to be removed for pedestrian access (pathways) to the waterway;
 - iii. Removal of vegetation necessary for the maintenance or placement of artificial or structural shoreline stabilization, provided a showing is made that natural erosion control measures or other non-structural solutions are not feasible and only where applicable state and federal standards are met.
 - iv. Removal of blackberry vines, Scotch broom, or other noxious vegetation, provided that such vegetation is replaced with other more suitable vegetation.
 - c. Along the Salem Ditch, the setback area may be used for residential landscaping adequate to maintain soil stability.
- (4) Variance from Riparian Vegetation Requirements. Requests for relief from the above standards shall be processed pursuant to the Variance process specified in Chapter III of this Code.

5.045 Landscaping Requirements.

- (A) Purpose. The purpose of landscaping regulations is to maintain the natural visual attractiveness of the City during property development, to maintain landscaping installed pursuant to the requirements of this Chapter, to provide for the preservation of significant or important vegetation, to prevent erosion and dust problems generated as a product of development, and excessive runoff problems, and to protect and promote tree growth.

- (B) **Minimum Standards.** Unless otherwise provided by this Code, minimum standards for landscaping shall be as follows:
- (1) Preservation of all City-required street trees, and other existing healthy trees over 18" in diameter measured four feet from ground level, unless removal is required for structural placement, or is necessary to satisfy safety or silvicultural needs.
 - (2) Maintenance of ground cover, in the form of natural grasses and shrubs, or imported natural landscaping materials (bark, rock) on all exposed areas not otherwise containing vegetation or artificial cover.
 - (3) Maintenance of indigenous vegetation on steep (over 25%) slopes within riparian setback areas, and in wetlands.
 - (4) Within front yard setback areas, continuous or nearly-continuous expanses of shrubbery or vegetation shall not be allowed to exceed 24" in height. Individual trees in this area may exceed this limit provided they are pruned of branches to a height of no less than six feet and are placed no closer than 30 feet apart.
 - (5) Noxious or hazardous plant species shall not be introduced to or maintained on any site.
 - (6) Identifiable significant natural areas consisting of a mix of vegetative and habitat types shall be preserved to the maximum extent feasible.
- (C) **Landscaping Plan.** Where required by applicable zoning or other City regulations, a Landscaping Plan, in the form of one reproducible master and two copies of a to-scale drawing and accompanying narrative, shall be prepared which contains the following elements:
- (1) Existing natural and vegetative features on the property (including but not limited to such items as topographical conditions, historical features, trees, brushlands, wetlands, and waterways).
 - (2) The location, of all proposed structures and development on the site.
 - (3) The extent and location of major proposed landscaping features (including but not limited to such elements as planters or planting strips, vegetative barriers or screening, ornamentals, yard areas, integration of major existing natural features such as waterways, ponds and undisturbed natural habitat areas, use of natural or created topographical features, preservation of identified historical features, and tree and plant groupings).
 - (4) Where determined to be necessary by the City Planner, perspective and elevated drawings illustrating typical or representative views of the property following landscaping.
 - (5) Integration of accessways and walkways, benches, kiosks, etc., if proposed for the site.

- (6) Provisions for irrigation and maintenance of the landscaped property.
- (D) Review and Approvals.
 - (1) Prior to implementation of a landscaping plan following approval of any development proposal requiring such a plan, the City Public Works Director and the City Planner shall review the landscaping plan and determine that the applicable standards of this Chapter are satisfied.
 - (2) Where a landscaping plan is required to be approved as a component of a conditional use or Site Review decision by the Decision Authority, the City Public Works Director and the City Planner shall review the plan and determine that the applicable standards of this Chapter are satisfied.

5.050 Home Occupations. In addition to any criteria applied by zoning regulations or conditional use procedures which allow for Home Occupations, the following criteria and standards apply to such uses:

- (A) The occupation or activity shall be carried on by the resident of a dwelling as a secondary use, with no more than one employee who is not a resident of the dwelling involved, unless otherwise permitted by the zoning district in which the Home Occupation occurs.
- (B) No structural alterations are made to accommodate such occupations, the residential character of the buildings and property remains unchanged, not more than one-half of the floor area of one story is devoted to such use, and traffic attracted to the premises be kept at a minimum.
- (C) The business or activity shall be conducted wholly within the home, or within a small (not greater than one-half the floor area of the house) accessory building which is residential in appearance.
- (D) No noise, dust or any other offensive action or material shall be emitted from the premises.
- (E) No storage of materials, products or supplies may be conducted outside the building, except those which would otherwise be normally associated with the uses allowable within the zoning district on the property.
- (F) There shall be sufficient room on the premises to load and unload materials, supplies, and products.
- (G) The use is not of the scale or intensity as to have the practical effect of rezoning the property to a commercial or industrial use.
- (H) The property has sufficient parking space to accommodate the use.
- (I) There is no display, advertisement, or sign board except where such signs as by this Code may be permitted in the zone where the home or occupation is situated.

5.055 Occupancy of Mobile Homes, Travel Trailers and Recreational Vehicles.

- (A) A mobile home shall not be occupied, used for sleeping or living purposes, or otherwise used as a dwelling unless the mobile home is located in a regularly licensed mobile home park or mobile home subdivision.
- (B) Permanent occupancy of a travel trailer, motor home, or recreational vehicle shall not be allowed on any property within the City. Temporary occupancy may be allowed for a period not in excess of fourteen (14) days in a sixty (60) day period, provided the unit is parked on private property. Parking of recreational vehicles shall comply with City Code 4.175.

5.060 Finance Performance Requirements.

- (A) Purpose. Financial Performance requirements are necessary to provide reasonable and prudent guarantees to the City that proposed improvements required as part of an approved subdivision or development are properly implemented by the applicant, and to provide financial assurance to the City in the event that the applicant is unable to complete such improvements and the City is required to assume responsibility for completing the improvements.
- (B) Application. Financial Performance requirements may be imposed as part of subdivision approval, site review approval, or conditional use approval.
- (C) Deposit. The satisfaction of Financial Performance requirements may take one of the following forms, to be made a part of a Financial Performance Agreement between the City and the applicant:
 - (1) Surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - (2) Letter of Credit or Assignments of Savings from a bank authorized to transact business in the State of Oregon, in a form approved by the City Attorney.
 - (3) Personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 - (4) Certified Check or Cash deposit with the City Recorder, interest upon which shall not be paid to the applicant.
- (D) Such financial assurance shall be for a sum approved by the City as sufficient to cover the cost of required development, improvements, or repairs, including related engineering and incidental expenses, and to cover the cost of inspection by the City or agents for the City. Financial Performance deposits will be reviewed by the City Attorney and placed before the Council for acceptance.
- (E) Failure of the applicant to properly carry out required development, improvements or repairs within the time restrictions imposed as a part of the approval action will, at the City's option, bring about forfeiture of the Financial Performance deposit and enable the City to call on the Bond, Letter of Credit,

Assignment of Savings or Cash deposit to reimburse costs or expenses which incur to the City. If the amount of the Financial Performance deposit is less than the cost or expense incurred by the City as a result of the applicant's action, the applicant shall be liable to the City for the difference.

5.065 Mobile Home Park Operational Standards

- (A) Alterations and Additions. The owner and/or management shall be held responsible for all alterations and additions to a mobile home park, and shall make certain that all permits and inspections are obtained from the proper authorities.
- (B) Electrical Connections. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.
- (C) Fire Extinguishers. Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.
- (D) Fire Hazards. The owner of the park shall be responsible to maintain the park free of any brush, leaves and weeds which might communicate fires between mobile homes and other buildings in the park. The owners shall also be responsible to insure that no combustible materials are stowed in, around or under any mobile home occupying a mobile home space.
- (E) Fire Hydrants. Approved fire hydrants shall be installed so that all mobile homes, recreational vehicles and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
- (F) Insignia of Compliance. All mobile homes installed in mobile home parks developed after the effective date of this ordinance shall have affixed to the mobile home a State of Oregon Insignia of Compliance or a HUD Insignia of Compliance.
- (G) Inspections. The Building Inspector or other designated City official may check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If not in compliance, the owner must make repairs as are required or will be considered to be in violation of this Code and subject to enforcement action as provided herein. An extension of no more than one (1) year to make repairs may be made by the Planning Commission, if it can be shown that risk to public health, safety or welfare will not be created by this extension.
- (H) Mail Boxes. The owner or operator of a mobile home park shall provide individual mail boxes or distribution facilities for incoming mail, and at least one (1) collection box for outgoing mail which shall be dispatched in coordination with the post office.
- (I) Management Responsibilities. Either the owner, an operator, or resident manager or similar supervisor or representative of the owner shall be available and responsible for direct management of the mobile home park while it is in use.

- (J) Refuse Burning. Burning of refuse will not be permitted except in an approved device at a designated site as directed by the Stayton Fire Department.
- (K) Refuse and Debris Control. All mobile home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes or other pests. All units shall have an adequate garbage container, as determined by the Marion County Health Officer.
- (L) Storage of Materials. Storage of decomposing combustible or other unhealthy or unsafe materials inside or beneath any mobile home is not permitted, but may be allowed in an outside accessory building if such installation is approved.
- (M) Telephone. At least one (1) public telephone for the use of the park residents shall be provided and available for use at all times.
- (N) Water and Sewer Connections. All mobile homes, service buildings, etc., shall be connected to an approved water and sewer system in a manner that provides these services to the same degree as other residents of the City.
- (O) Ownership and Maintenance of Water, Sewer and Storm Drainage Facilities. All water and sewer lines within the mobile home park shall be privately owned, unless the City requests that the lines and public utility easements be granted to the City. Unless the City requires that they be made public, all sewer, water and storm sewer lines and drainageways shall be continuously maintained to City standards at the sole obligation and expense of the park owners.
- (P) Utility Easements. The park owner shall provide ten (10) foot utility easements along sewer, water and storm sewer lines for the purpose of City inspection.
- (Q) Prohibited Occupancy of Recreational Vehicles. No owner or person in charge of a mobile home park shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owners property in duly designated storage areas.
- (R) Park Administration.
 - (1) It shall be the responsibility of the park owner(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
 - (2) Mobile home park spaces shall be rented or leased only.
 - (3) A minimum of fifteen (15) spaces must be available for occupancy before first occupancy is permitted.

5.070 Manufactured/Mobile Homes.

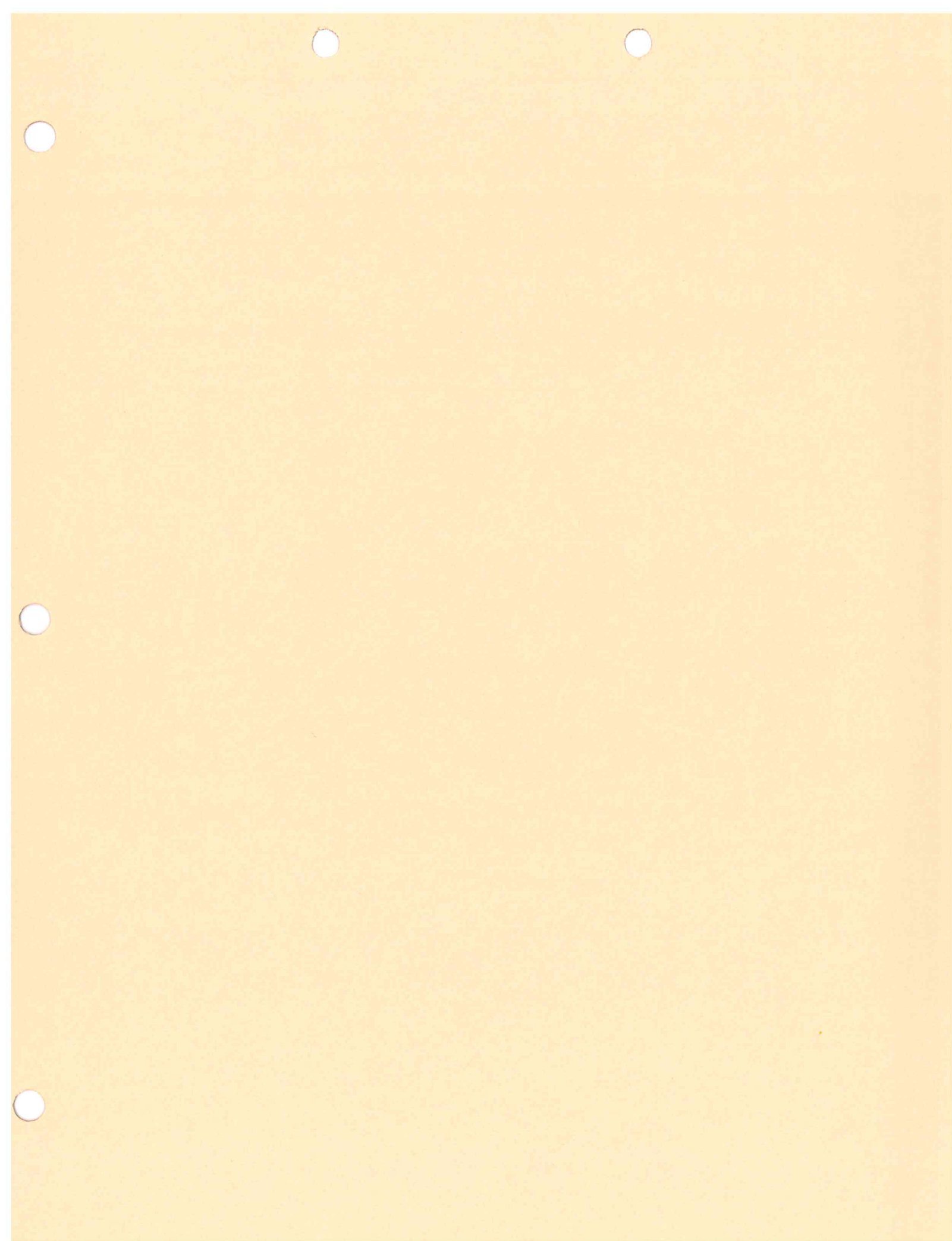
- (A) Classification. Manufactured/Mobile homes shall be classified as follows:

- (1) **Class A Manufactured Home.** A manufactured home of not less than 24 feet in width and with a minimum roof pitch ratio of 3:12, containing not less than 1,020 square feet of occupiable space. It shall bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and is either a new (previously unoccupied) unit or is found upon inspection to be in excellent condition and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement. Class A units shall be equipped with a continuous perimeter concrete foundation, and shall have roofing and siding materials commonly used on equivalent non-manufactured homes in the area. They shall have overhanging roof eaves, attached rain gutters and downspouts, and shall be placed on the site with an accessory garage or carport structure. All wheels, axles and hitch mechanisms shall be removed upon installation upon the foundation. Utilities shall be connected in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.
- (2) **Class B Manufactured Home.** A manufactured home of not less than 12 feet in width and with a minimum roof pitch ratio of 2:12, containing not less than 750 square feet of occupiable space. It shall bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and shall be found upon inspection to be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement. Class B units shall be equipped with a continuous perimeter concrete foundation, and shall have roofing and siding materials commonly used on equivalent non-manufactured homes in the area. All wheels, axles and hitch mechanisms shall be removed upon installation upon the foundation. Utilities shall be connected in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.
- (3) **Class C Manufactured Home.** A manufactured home with a minimum roof pitch ratio of 2:12 and containing not less than 400 square feet of occupiable space in a single, double, expando or multi-section unit (including those with add-a-room sections). It shall bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and shall be found upon inspection to be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement. Class C units shall be equipped with a continuous perimeter concrete foundation or be placed upon an approved foundation siding/skirting enclosing the entire perimeter of the structure. This foundation siding/skirting and backup framing shall be weather-resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the structure. Below finish grade level and for a minimum distance of six inches above finish grade, the materials shall be resistant to decay or oxidation. Utilities shall be connected in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.
- (4) **Class D Manufactured Home.** Any such unit built prior to June 15, 1976, and under ORS Chapter 481 not defined as a recreation vehicle.

A Class D manufactured home shall contain not less than 320 square feet of occupiable space. It shall be found upon inspection to be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement. Class D units shall be equipped with a continuous perimeter concrete foundation or be placed upon an approved foundation siding/skirting enclosing the entire perimeter of the structure. Foundation siding/skirting and backup framing shall be weather-resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the structure. Below finished grade level and for a minimum distance of six inches above finish grade, the materials shall be resistant to decay or oxidation. Utilities shall be connected in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.

- (B) Placement. Location of manufactured/mobile homes shall occur in compliance with the provisions of this Code. Unless otherwise provided, only Class A units may be placed within approved Mobile Home Subdivisions. Mobile Home Parks may contain Class A, B, C or D units. Class D units shall bear a state Insignia of Compliance with construction and safety standards in effect at the time of manufacturing.

5.075 Variances. Variances to the criteria and standards of this Chapter shall be processed pursuant to the requirements of Chapter III.



CHAPTER VI—LAND DIVISIONS

6.005 Purpose and Intent of Land Division Regulations.

- (A) In the interpretation and application of this Code, the provisions hereof shall be held to be the minimum provisions adopted to promote the public health, safety and welfare.
- (B) The broad intent of these Land Division Regulations is to provide for alternative forms of development as defined in Section 6.015 below while assuring full compliance during the process of development, with all applicable laws and regulations. Further, the intent of these regulations is to achieve the following:
- (1) Better living conditions within newly developed areas.
 - (2) Efficient use of lands which may be economically developed.
 - (3) Simplification and clarity of land descriptions.
 - (4) Proper establishment and development of streets, utilities, and public areas.
 - (5) Stabilization of property values within divided lands and adjacent areas.
 - (6) Application of specific development standards, such as Planned Unit Developments, where necessary to implement Comprehensive Plan policies concerning the protection of resources or mitigation of natural hazards.

6.010 Conformity with Zoning. Except as otherwise authorized herein, all land divisions shall comply with the specifications of applicable zoning district and other land use regulations of the City. Deviations from those requirements shall be dealt with through variance procedures as specified in Chapter III.

6.015 Classification of Land Divisions. This Chapter authorizes three major categories of land divisions, and establishes procedures herein for City review and approval of each. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The three major categories of land divisions are identified as follows:

- (A) Conventional Subdivisions and Partitions. Conventional subdivisions and partitions are those occurring in strict compliance with state and local regulations governing the same, including but not limited to the provisions of ORS Chapter 92 and land use and zoning regulations of the City. Major flexibility in design, densities and land uses are not generally provided for by this category of land division. Conventional subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner. Provisions for conventional subdivisions and partitions are contained in Sections 6.020-6.025 of this Chapter.
- (B) Planned Unit Developments. The Planned Unit Development provides for major

flexibility in design, densities and land uses while assuring overall compatibility with the principals and legal requirements of land divisions law. The authorization serves to encourage developing, as one project, tracts of land that are sufficiently large to allow a site design for a group of structures and that include common open space and ownerships. The planned approach is intended to maintain compatibility with the surrounding area and create an attractive, healthful, efficient and stable environment. It shall either promote a harmonious variety of grouping or uses, or utilize the economy of shared services and facilities, or both.

- (1) Purposes of Planned Unit Developments. It is the purpose of authorizing Planned Unit Developments to take advantage of the following:
 - a. Advances in development-related technology and design.
 - b. Comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
 - c. Recognition and resolution of problems created by increasing population density.
 - d. Potential of sites characterized by special features of geography, topography, size, shape, or environmental considerations.
 - e. Potential for energy and natural resource conservation through specialized development techniques.
 - f. Maximizing the efficiency of public facilities and services through the clustering of buildings.
 - g. Variance in height, bulk and siting characteristics of buildings provided the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- (2) Planned Unit Developments Required. Planned Unit Developments shall be required in lieu of other forms of land division within the City, under the following circumstances:
 - a. Where the land division and associated development is to occur on a parcel or site containing wetland(s) inventoried within the City Comprehensive Plan as being significant wetland site(s) requiring protection, and where Plan policy requires any development in the area to occur as a Planned Unit Development.
 - b. Where the land division is to occur on steep slopes (15% slope or greater) identified as steep slope areas by the City Comprehensive Plan, and where Plan policy requires the processing of land development in such areas occur as a Planned Unit Development.

Provisions for Planned Unit Developments are contained in Sections 6.030-6.035 of this Chapter.

- (C) Manufactured Home Subdivisions. Manufactured home subdivisions are intended to follow conventional subdivision development procedures as described in (A) above while also providing for the needs of, and taking advantage of the special characteristics of, manufactured/mobile homes. Provisions for these subdivisions are contained in Section 6.040 of this Chapter.

6.020 Application and Approval Requirements for Conventional Subdivisions and Partitions.

(A) Application for Approval of Preliminary Plans.

- (1) For any proposed subdivision or partition of land, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the City Planner, following the general application procedural requirements of Chapter III of this Code.
- (2) The City Planner shall forward the preliminary plan or map to the Planning Commission with copies thereof to the Public Works Director, the City Engineer, all affected city, county, state and federal agencies and all affected special districts who may attend the Planning Commission hearing at which the plan is considered.
- (3) Preliminary subdivision plans shall include the data set forth in Sections (B) and (C) below. Preliminary partition plans shall include the data set forth in Section (B) below.

(B) Preliminary Partition Plan and Subdivision Plan Information Requirements. Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the Decision Authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:

- (1) Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
- (2) North point, scale and date of the preliminary plan.
- (3) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner, landscape architect or any other person responsible for designing the preliminary plan.
- (4) Map number (township, range and section) and tax lot number or account of the tract being divided.
- (5) The boundary lines of the tract to be divided and approximate area of the property in acres or square feet.
- (6) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, and any addresses for the buildings, railroad rights-of-way and other important features such as section lines and political subdivision boundary lines.

- (7) The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.
- (8) Approximate location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
- (9) Proposed plan, if any, for draining surface water from the development.
- (10) The proposed street pattern or layout showing the name and widths of the proposed streets and alleys.
- (11) Easements, together with their dimensions, purpose and restrictions on use.
- (12) Proposed means and location of sewage disposal and water supply systems.
- (13) Proposed parcels, dimensions, size and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- (14) Predominant natural features, such as water courses and direction of their flows; marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.
- (15) Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
- (16) The partition or subdivision plan shall conform with applicable provisions of the design standards within Section 6.025 of this Chapter.
- (17) For parcels of a size to permit subsequent division within the applicable zoning district, an overall development plan.

(C) Additional Information Requirements for Subdivision Plans. Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited in (B) above.

- (1) The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town", "place", "court," addition" or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.
- (2) The location, size and use of all contemplated and existing public areas

within the proposed subdivision and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the commission shall be dedicated for such use and indicated on the final plat.

- (3) Topography within and adjacent to the proposed subdivision. If a topographic map or elevations at designated points are required, the base for such information shall be the datum obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two feet for slopes of less than 10 percent and no greater than five feet for slopes of more than 10 percent.
 - (4) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water and utility services.
 - (5) The location, width, name and grade and radii of street curves, and the relationship of streets to any existing or proposed streets as shown on the City Comprehensive Plan.
 - (6) The location and dimensions of lots and the proposed lot and block numbers.
 - (7) An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
 - (8) The relationship of the proposed land division to future streets controlled by the applicant.
 - (9) A plan showing soils information and major cuts and/or fills associated with subdivision development.
 - (10) Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage and flood control, with profiles of proposed drainage ways and pipe lines.
 - (11) Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
 - (12) A statement indicating the timing of installation of all proposed improvements.
 - (13) The plan or map shall otherwise conform to the requirements of ORS 92.090 as amended.
 - (14) Such additional information as the commission deems necessary. If upon initial investigation by the Commission it is found that further information is necessary, it shall be furnished by the applicant.
- (D) Review and Approval Procedures - Preliminary Plan. The Planning Commission shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 3.035-045 of this Code, except where modifications to that procedure are indicated below.

- (1) "Preliminary Plan" shall be construed as an application and shall be processed as such. Public hearing(s) shall be scheduled and held on preliminary plan requests in the same manner as for an application processed according to the requirements of Chapter III.
 - (2) Any preliminary approval of the a plan by the Commission shall also be subject to review by the Public Works Director and the City Engineer. Reports from the City Engineer and City Public Works Director, and responses if any from local and state agencies as noted in (A) above, shall be made a part of the City Planner's report for the Commission's review. The City Planner shall place the tentative plan, associated documentation, and the report before the Commission within 40 days of receipt of the preliminary plan. The Commission shall take action as specified in Section 3.040 of the Code.
 - (3) The action of the commission shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
 - (4) Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
- (E) Preliminary Plan Approval Criteria: In order to be approved by the Commission, the proposed preliminary subdivision or partition shall satisfy the following criteria and standards:
- (1) It is generally compatibility with the surrounding area.
 - (2) Adequate urban services are available to the property.
 - (3) The proposed parcels, lots or roads are compatible with the existing pattern of development in the area.
 - (4) Design Standards of Section 6.025 below are satisfied.
 - (5) Compliance exists with the provisions of the City Plan and the zoning district(s) in which the action is proposed.
 - (6) Special-purpose standards where applicable, including flood hazard area regulations and riparian setbacks pursuant to Chapter IV of this Code, are satisfied.
 - (7) No wetlands as identified in the City Comprehensive Plan are included in the development.
 - (8) Compliance exists with the provisions of ORS 92.090 as amended.
- (F) Final Partition Plat Submittal Requirements.
- (1) Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.

- (2) Submittal Deadline. The final plat shall be submitted no later than one year from the date of preliminary partition map approval.
- (3) Preparation. All maps for partitions shall be prepared by a professional land surveyor registered with the State of Oregon.
- (4) Format. All plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the County Surveyor. The overall size of plats shall be 18" by 27".
- (5) Survey Requirements. Surveys for partitions shall:
 - a. Comply with ORS 209.250 as amended, and
 - b. Comply with the survey mapping standards set by the Marion County Surveyor.
- (6) Plat Information. Notwithstanding the requirements of (5) above, the partition plat shall contain the following information:
 - a. The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the tract.
 - b. The lengths of arc, radii, internal angles, lengths and bearings of the tangents and the length and bearings of chords.
 - c. The area of each parcel in either acres to the nearest 1/100th, or in square feet.
 - d. The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed one foot in 10,000 feet. Copies of closure calculation sheets may be requested.
 - e. Location of the parcel by one-fourth Section and Township, Range.
 - f. Names and addresses of the partitioner, owner, mortgagee, if any, the person preparing the map and partition number.
 - g. North arrow, scale and date submitted.
 - h. The name of any street intersecting or within the parcels.
 - i. All easements provided or public services, utilities, access, or any type must be shown on the face of the map along with the recorder's number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to the City.

- j. Zoning classification.
- k. Basis of bearing and the course of either a section corner, one-sixteenth corner or a Donation Land Claim Corner or a lot corner of a platted subdivision and the basis or source document, if not by survey, of the course to a corner.
- l. A written legal description of all parcels contained in the land partition. An additional sheet of the same quality and size as required for the partition map may be used.
- m. A line for the approval signature of the City Administrator or his designee, and the date and any other lines which show approvals required by the City, may be placed on the map.
- n. Additional information made a condition of the preliminary plan.
- o. A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.
- p. Information and data in addition to the above, as may be required by ORS 92.050, as amended.

(G) Final Subdivision Plat Submittal Requirements.

- (1) Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- (2) Submittal Deadline. The final map shall be submitted no later than one year from the date of preliminary subdivision map approval.
- (3) Preparation. All plats shall be prepared by a licensed land surveyor registered with the State of Oregon.
- (4) Format. All plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the County Surveyor. The overall size of plats shall be 18" by 27".
- (5) Survey Requirements. Surveys for subdivisions shall:
 - a. Comply with ORS 209.250, as amended, and
 - b. Comply with the survey mapping standards set by the Marion County Surveyor.
- (6) Plat Information. Notwithstanding the requirements of (5) above, the plat shall contain the following information:
 - a. The Affidavit of the Surveyor who did the plat and survey work.
 - b. Date, north point and scale of the drawing.

- c. A sufficient legal description to define the location and boundaries of the plat area.
- d. The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet.
- e. The location and dimensions of all existing and proposed public or private roads and names, as appropriate.
- f. Description and location of all permanent reference monuments.
- g. The width and location of all existing or proposed public utility easements.
- h. A graphic designation of all areas being reserved for common use and the conditions being imposed thereon, or, in the case of a cluster subdivision, covenants and restrictions, including the final development plan which governs the use of all common areas, may be substituted for said graphic designation. The conditions, covenants and restrictions, and development plan shall be recorded prior to final plat approval and the recording number referenced on the final plat.
- i. A designation of all areas covered by water and the location, width, and direction of flow of all watercourses.
- j. A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.
- k. A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.
- l. A designation of any special notice, requirement or restriction required by the City as a condition of approval.
- m. Information and data in addition to the above, as may be required by ORS 92.050, as amended.

(7) Accompanying Materials. The plat shall be accompanied by the following:

- a. An exact reproducible transparency which complies with the requirements of (G)(4) above.
- b. A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.
- c. Computational sheets for all boundary lines and of all lot lines.
- d. A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants and restrictions.

- e. A copy of any documents relating to special notice, requirement or restriction required by the City as a condition of approval.

(H) Approval Procedures and Criteria for Final Partition Plats and Subdivision Plats.

- (1) Procedure. The application for final approval shall be filed with the City Planner within one year of the date of approval of the preliminary plan. Approval of final partition plans shall be routine administrative actions. Approval and acceptance of final subdivision plats shall be City Council actions.
- (2) Approval Criteria. Final approval of a partition or subdivision plat may take place if the following criteria are found to be satisfied:
 - a. The final map or plat and any supporting documents are in substantial conformity with the approved preliminary plan; and
 - b. Any conditions imposed by the Decision Authority have been satisfied.
- (3) Council Action on Subdivision Plats. Final subdivision plats shall be placed before the City Council pursuant to the procedures of Section 3.045. The Council shall review the final subdivision plat and, if satisfied the above criteria are fulfilled, may authorize the City Administrator to accept it as specified in Section 3.045(C).
- (4) Approval. Final partition and subdivision plats shall be considered finally approved when the Administrator's signature and dates thereof have been written on the face of the maps or plats and, where applicable, the maps or plats have been recorded.
- (5) Notice. Approval or denial of final partition or subdivision plats shall be in writing to the applicant and/or the applicant's representative.
- (I) Partial Platting. If desired by the applicant, the final plat may contain only a portion of the approved preliminary plan, and if such portion is filed and recorded within one year of the date of approval, the approval of the preliminary plan shall remain effective for a period of five years unless extended by the commission. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void.
- (J) Copies of Recorded Plats to be Furnished. The final plat shall be recorded pursuant to ORS 92.120. Within 15 days after the recording of a plat with Marion County, the applicant or his representative shall furnish the City three prints from the reproduction of the recorded plat.
- (K) Exceptions to Subdivision Regulations. The Commission may authorize a variance of any requirements set forth in these regulations pursuant to the criteria and procedures set forth in Chapter III of this Code.

6.025 Design Standards for Subdivisions and Partitions. Subdivisions and partitions shall be subject to the following design criteria and objectives.

(A) Streets and Highways.

- (1) Streets, roads or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or buy connection with suitable curves. Such streets, roads or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways nor or hereafter adopted by the council.
- (2) Streets, roads, or highways should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
- (3) These regulations may be modified where the commission determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

(B) Dedication of a Right-of-Way.

- (1) If a parcel of land to be divided includes any portion of a right-of-way, street, road or highway, the subdivider shall dedicate such right-of-way for the purpose or use proposed.
- (2) Except as provided in (G) below, where such dedication is greater than 60 feet in width, the city shall reimburse the owner for that portion of the right-of-way in excess of 60 feet. Payment, therefore, shall be based on the true case value of the excess acreage as computed by the Marion County Assessor for the tax year, prior to filing the subdivision plat.

(C) Dead-end Streets and Cul-de-Sacs. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets should be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the Commission, cul-de-sacs shall not exceed 450 feet in length.

(D) Radius at Street Intersections.

- (1) The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals radius in feet. The distance shall be increased to the next full foot above the figure established by such formula.
- (2) The minimum angle of any intersection shall be 40 degrees.

(E) Street Grades. No street grade shall be in excess of eight per cent, unless the commission finds that because of the size and shape of the property, or topographic conditions, a steeper grade is necessary.

(F) Reserve Block.

- (1) Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the commission, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the city for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the commission or such other commission as may have jurisdiction.
- (2) In no case shall a reserve block be platted along a street that is dedicated to the required full width.

(G) Street Widths.

- (1) When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the commission may require dedication of streets to a greater width than herein otherwise provided.
- (2) The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties:

	<u>Right-of-way width</u>	<u>Curb to curb width</u>
Major streets or arterials	100 feet	40 feet
Minor streets	60 feet	34 feet
Collector streets	80 feet	40 feet
Cul-de-sac:		
200 to 450 feet in length	50 feet	30 feet
Less than 200 feet	50 feet	30 feet
Turn-arounds	45 feet radius	38 feet radius

Temporary dead-end streets –Dead-end streets which may, in the future, be extended, shall have a right-of-way and pavement width that will conform to the development pattern when extended.

- (3) Additional Right of Way Widths. Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

(H) Street Improvements, Sidewalks, Underground Utilities, and Surface Drainage.

- (1) All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with

the specifications and standards prescribed by the City.

- (2) Subdivision plats, and final partition plans involving public improvements, shall not have final approval until such time as the City in its judgement is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section:
 - a. Clearing and grading to full right-of-way limits.
 - b. Storm drainage facilities both within and outside of right-of-way limits.
 - c. Base and pavement materials for roadways, in place and compacted.
 - d. Concrete curbs and concrete sidewalks; the location and width thereof shall be determined by the commission. In making such determination, the commission shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision. In all cases, sidewalks shall be placed one foot from the property line on arterial and collector streets.

(I) Subdivision Blocks.

- (1) Block lengths and widths shall be determined by giving consideration to the following factors:
 - a. The distance and alignment of existing blocks and streets.
 - b. Topography.
 - c. Lot size.
 - d. Need for and direction of the flow of through and local traffic.
- (2) Blocks shall not exceed 1200 feet between street right-of-way lines unless the adjacent layout or special conditions justify greater length.
- (3) Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

(J) Midblock Walks. Where topographical or other conditions make necessary blocks of unusual length, the commission may require the developer to install midblock pedestrian walks on a right-of-way at least six feet in width which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

(K) Lot Size, Lot Lines.

- (1) Lot sizes shall be as specified in the zoning district in which the land

division is being proposed. In districts having no minimums, the Commission shall assign a minimum based on its consideration of the preliminary plan and the appropriate minimum lot size(s) necessary to satisfy the requirements of the Code.

- (2) If topography, drainage, location or other conditions justify, the commission may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
 - (3) In a cul-de-sac, the minimum lot line fronting the turn-around, shall be 40 feet and in no case shall the lot width be less than 60 feet at the building line.
 - (4) When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.
 - (5) Side lot lines shall be as close to right angles to the front street as practicable.
 - (6) Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.
- (L) Public Survey Monuments. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.
- (M) Sewage Disposal.
- (1) All extensions of the existing city sewage facilities including manholes, mains, laterals, and risers shall be in accordance with the specifications and standards prescribed elsewhere in this code.
 - (2) Subdivision plans shall not have final approval until such time as the commission in its judgement is satisfied that the following sewage disposal facilities will be completed in accordance with the additional specifications and standards set forth as follows:
 - a. The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.
 - b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing city sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the Health Officer to be installed on each lot when and as buildings are erected thereon.

- c. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the City will pay the additional costs of such larger lines.

(N) Public Use Areas.

- (1) A subdivision plan shall provide a minimum of five per cent of the gross area of the subdivision as public recreation area.
- (2) Such public recreational area shall have access to a public street, and the Planning Commission may specify the location of such area to be compatible with existing or anticipated recreational development.
- (3) As an alternative to (1) above, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or where agreed upon by the Commission, the developer shall pay to the City, a fee earmarked for recreational use and development, a sum equal to five percent (5) of the total assessed value of the land, being platted, at the time of platting, as computed by the County Assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended.

Such payment shall be made prior to final approval, by presenting a statement of assessed value from the office of the County Assessor and a check in the amount of 5% thereof, to the City of Stayton.

(O) Water Supply.

- (1) All lots shall be served from the established public water system of the City, or if permitted by the Commission, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or County Health Officer.
- (2) The subdivider shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs and meter boxes. Such installation shall be done to city specifications and those imposed by any state or federal authority.
- (3) In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the City will pay the additional costs of such larger lines.

(P) Underground Utilities.

- (1) All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted, with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground.

- (2) The subdivider shall be responsible for complying with the requirements of this section and shall:
 - a. Provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines and cable television or other data transmission lines as may be required by the Commission.
 - b. Obtain all necessary permits for the placement of all underground utilities.
 - c. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State.
- (3) Easements for utility facilities shall be provided by the subdivider and set forth on the final subdivision plat or final partition plan. In the case of a partition, a utility easement document may be required for recording by the City.

6.030 Application and Approval Requirements for Planned Unit Developments.

(A) Application for Approval of Preliminary Planned Unit Development Plan.

- (1) For any proposed Planned Unit Development, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the City Planner, following the general application procedural requirements of Chapter III of this Code.
- (2) The City Planner shall forward the preliminary plan or map to the Planning Commission with copies thereof to the Public Works Director, the City Engineer, all affected city, county, state and federal agencies and all affected special districts who may attend the Planning Commission hearing at which the plan is considered.
- (3) Preliminary Planned Unit Development Plan submittals shall include the data set forth in Section (B) below.

(B) Preliminary Planned Unit Development Plan Information Requirements.

Preliminary plans, in the form of maps and written materials, shall show and/or contain all required information cited below. Maps shall be clearly and legibly drawn to a scale sufficient enough to enable the Decision Authority to have an adequate understanding of what is proposed. Written narrative or other written information shall be presented in a clear and understandable manner.

- (1) Map Contents. The maps which are part of the submittal shall be of a size of 18" by 27", shall be reproducible, and shall contain the following information:
 - a. North point, scale and date of the preliminary plan.
 - b. Names and addresses of the landowners, applicant and the

engineer, surveyor, land planner, landscape architect or any other person responsible for designing the preliminary plan.

- c. Map number (township, range and section) and tax lot number(s) or account(s) of the tract being divided.
- d. The boundary lines of the tract to be divided and approximate acreage of the property in acres or square feet.
- e. The location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, and any addresses for the buildings, railroad rights-of-way and other important features such as section lines and political subdivision boundary lines.
- f. The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.
- g. The location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
- h. Proposed plan, if any, for draining surface water from the development.
- i. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys.
- j. Easements, together with their dimensions, purpose and restrictions on use.
- k. Proposed means and location of sewage disposal and water supply systems.
- l. Proposed parcels, dimensions, size and boundaries. Residential parcels shall be numbered consecutively. Parcels to be used for other than residential purposes shall be identified with letters.
- m. Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.
- n. Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
- o. The location, size and use of all contemplated and existing public areas within the proposed Planned Unit Development and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the City shall be dedicated for such use and indicated on the final plat.

- p. Topography within and adjacent to the proposed Planned Unit Development. If a topographic map or elevations at designated points are required, the base for such information shall be the datum obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two feet for slopes of less than 10 percent and no greater than five feet for slopes of more than 10 percent.
- q. A vicinity map clearly showing the relationship of the proposed Planned Unit Development to surrounding developments, streets, storm drainage, sewer, water and utility services.
- r. The location, width, name and grade and radii of street curves, and the relationship of streets to any existing or proposed streets as shown on the City Comprehensive Plan.
- s. The location and dimensions of lots and the proposed lot and block numbers.
- t. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
- u. The relationship of the proposed Planned Unit Development to future streets controlled by the applicant.
- v. A plan showing soils information and major cuts and/or fills associated with the development.
- w. Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage and flood control, with profiles of proposed drainage ways and pipe lines.
- x. Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
- y. A statement indicating the timing of installation of all proposed improvements.
- z. The location of all pedestrian thoroughfares and walks, their widths and the nature of the improvement and whether they are to be public or private.
- aa. The location, layout and the surfacing of all off-street parking areas.
- bb. A landscaping and tree planting plan pursuant to the requirements of Chapter V.
- cc. Common open areas as defined herein, spaces and facilities and the particular uses which are intended for them.

- dd. Unless otherwise identified above, those areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, playgrounds, schools, public buildings and similar public and semi-public uses and whether such areas are to be public or private.
 - ee. A plan showing the following for each existing or proposed building or structure:
 - i. Its location on the lot and/or within the Planned Unit Development;
 - ii. The intended use;
 - iii. The number of dwelling units in each residential building;
 - iv. Elevation drawings of all typical proposed structures except single-family detached residences. The drawings shall be accurate and to scale but need not be the final working drawings.
 - ff. The location of all buildings on abutting properties.
 - gg. The location of Comprehensive Plan-inventoried significant wetland sites and/or steep slope areas.
- (2) For Planned Unit Developments proposed on sites identified in the City Comprehensive Plan as steep slope areas, a geotechnical study of the site's characteristics and capability to support development, such study to be prepared by a qualified professional such as a licensed geologist or engineer.
- (3) A statement from the Director of Public Works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
- (4) A development time schedule indicating:
- a. The approximate date when construction of the project can be expected to begin.
 - ib The phases in which the project will be built, areas affected, and the approximate date when construction of each stage will begin and be completed.
 - c. The area and location of open space that will be provided at each phase.
 - d. However, if no specific phasing plan has been determined at the time of the application, the applicant may submit a written statement explaining why the phasing plan is not complete and when a schedule will be made available determining the phasing detail as required above.

- (C) Review and Approval Procedures - Planned Unit Development Preliminary Plan. The Planning Commission shall review and act upon the preliminary Planned Unit Development plan pursuant to the procedures in Sections 3.035-045 of this Code, except where modifications to that procedure are indicated below.
- (1) Prior to Commission public hearing on the preliminary plan, an optional Commission work session may be scheduled to examine the details of the plan. The work session shall be open to the public; it shall be confined to the presentation of factual information only and shall not involve discussions of the merits of the proposal. A work session shall be held at the discretion of the Commission, and may be requested by the applicant.
 - (2) "Preliminary Planned Unit Development Plan" shall be construed as an application and shall be processed as such. Public hearing(s) shall be scheduled and held on preliminary plan requests in the same manner as an application processed according to the requirements of Chapter III.
 - (3) Any preliminary approval of the plan by the Commission shall also be subject to review by the Public Works Director and the City Engineer. Reports from the City Engineer and City Public Works Director, and responses if any from local and state agencies as noted in Section 6.030(A) above, shall be made a part of the City Planner's report for the commission's review. The City Planner shall place the plan, associated documentation, and the report before the Commission within 40 days of receipt of the preliminary plan. The Commission shall take action as specified in Section 3.040 of the Code.
 - (4) The action of the Commission shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
 - (5) Approval of a preliminary Planned Unit Development plan subject to this section shall be valid for a period of one year from the date of approval.
- (D) Preliminary Planned Unit Development Plan Approval Criteria. The Planning Commission may approve the preliminary plan, or approve with conditions if appropriate, if it is found to satisfy the following criteria.
- (1) The applicant's submittal is adequate and complete as required by (B) above.
 - (2) Definitions and purposes of the Planned Unit Development concept, as expressed in this Code, are satisfied.
 - (3) The Planned Unit Development generally complies with applicable provisions of the City Comprehensive Plan, including the City's urban growth program and policies.
 - (4) The Planned Unit Development is compatible with surrounding lands, existing and projected public facilities and services, overall growth pattern of the City, and existing development in the area.

- (5) Assurance exists that the Planned Unit Development will be implemented as represented by the applicant.
 - (6) The Planned Unit Development conforms with all applicable purposes, criteria and standards of this Code, including design standards for Planned Unit Developments as specified in Section 6.035 below.
 - (7) The Planned Unit Development is an effective and unified treatment of the development possibilities of the project site while making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and rough terrain.
 - (8) The Planned Unit Development will generate no greater demand on public facilities and services than other authorized uses for the land.
 - (9) The applicant files a performance bond, pursuant to the procedures of Chapter V of this Code, sufficient to assure completion of public improvements within the Planned Unit Development.
 - (10) The Planned Unit Development complies with special-purpose standards, where applicable, including flood hazard area regulations pursuant to Chapter IV of this Code.
 - (11) The Planned Unit Development will not intrude upon or adversely impact wetland areas identified as significant wetland resources within the City Comprehensive Plan, or that all identified adverse impacts can be mitigated through design features of the Planned Unit Development.
 - (12) For Planned Unit Developments on steep slope areas identified in the City Comprehensive Plan as requiring special geotechnical analysis, a finding that the design of the Planned Unit Development, as implemented, will not threaten public safety through accentuating the risk of slope-related hazards or will itself not be adversely impacted by the presence of the slope hazard.
- (E) Approval Procedures and Criteria for Final Planned Unit Development Plans.
- (1) Filing Procedure. The application for final approval shall be filed with the City Planner within one year of the date of approval of the preliminary plan. Approval and acceptance of final Planned Unit Development plans shall be City Council actions.
 - (2) Approval Criteria. Final approval of a Planned Unit Development may take place if the following criteria are found to be satisfied:
 - a. The final plan and any supporting documents are in substantial conformity with the approved preliminary plan; and
 - b. All conditions imposed by the Decision Authority are satisfied.
 - (3) Phasing. If desired by the applicant and acceptable to the City, the final plan may contain only the first phase(s) of the approved preliminary plan. Subsequent phases must be filed for final approval in intervals of

no more than 12 months. If the Planned Unit Development is subject to an approved phasing schedule, preliminary plan approval shall remain effective until that schedule is completed, or for a period of no greater than five years unless authorized by the Commission. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void.

- (4) Council Review. With the recommendations of the Planning Commission, the final plan will be referred to the City Council for its consideration. Council action shall occur pursuant to the procedures specified in Section 3.045, and shall involve the application of standards and criteria of Chapter VI.
 - (5) Approval. If, following all appropriate actions, the Planned Unit Development is approved by the Council, an ordinance shall be adopted setting forth such approval and any conditions which may be deemed to be necessary by the Council. The ordinance shall, pursuant to Section 3.045(C), authorize the City Administrator to sign the final development plat provided there are no deviations from the approved provisions of the final plan.
 - (6) Notice. Approval or denial of final Planned Unit Development plans shall be in writing to the applicant and/or the applicant's representative.
 - (7) Final Plat. The final plat shall comply with all standards for a final subdivision plat, as set forth in 6.020 of this Chapter. The final development plat shall be the plat to be recorded. If found to conform to the provisions of the approved final plan, the City Administrator shall affix his signature and the date on the face of the plat. The plat shall be recorded pursuant to ORS 92.120. The plat shall be considered finally approved when the Administrator's signature and dates thereof have been written on the face of the maps or plats and the maps or plats have been recorded.
 - (8) Amendments. If the City Administrator finds evidence of a material deviation from the approved final development plan, the Administrator shall not sign the final plat but shall advise to applicant that an amendment of the Planned Unit Development is necessary.
- (F) General Requirements.
- (1) Control of Development After Completion. The final development plan shall continue to control the Planned Unit Development after it is completed. The use of the land and the construction, modification or alteration of a building or structure within the Planned Unit Development shall be governed by the final development plan. No change shall be made in development contrary to the approved final development plan without approval of an amendment to the Plan except as follows:
 - a. Minor modifications of existing buildings or structures may be authorized by the City Planner if they are consistent with the purposes and intent of the final plan and are not to increase the cubic footage of a building or structure.

- b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.
- (2) **Building Approvals.** Following final approval of the Planned Unit Development, the developer is required to make application to the Building Official and receive approval of plans for building construction and for all site development. The site development plans will include all private thoroughfares and driveways, sidewalks, walls, fences, screen planting and other permanent installation. Each permanent installation shall be included in a permit issued by the Building Official.
- (3) **Amendments.** An amendment to a completed Planned Unit Development may be approved if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in City development policy as reflected by the Comprehensive Plan or this Code. Approval of an amendment shall follow the same procedures of this Code as are applied to initial approval of a Planned Unit Development.
- (4) **Covenants.** No modification or amendment to a completed Planned Unit Development is to be considered as a waiver to the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.
- (5) **Transferability.** A Planned Unit Development approval is not transferable, except when such transfer is approved by the Council as an amendment to the original approval. After the Planned Unit Development is recorded, transfers of individual lots within the development are not subject to this restriction.
- (6) **Enforcement.** Any Planned Unit Development approval is subject to enforcement procedures specified in this Code. In such case, it shall be unlawful for any person to exercise any right granted by the Council pursuant to such approval.
- (7) **Zone Changes.** Zone changes for property within a Planned Unit Development may be considered and heard concurrently with the application for a Planned Unit Development. Requirements for the submittal and approval of a zone change shall be satisfied as provided in Chapter III of this Code.

6.035 **Planned Unit Development Design Standards.** The following standards shall be specific to Planned Unit Development proposals only:

- (A) **Planned Unit Development Site Standards.**
 - (1) Planned Residential, Commercial or Industrial developments may be established on parcels of land which are of sufficient size to be planned

and developed in a manner that is consistent with the purpose and objectives of this Code.

- (2) A Planned Unit Development site shall include not less than four acres of contiguous land, unless the Decision Authority finds that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is in an isolated problem area.
 - (3) A Planned Unit Development may be located in any zoning district.
- (B) Dimensional, Bulk, and Street Standards.
- (1) The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a Planned Unit Development.
 - (2) Buildings sharing common walls are permitted within a Planned Unit Development. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
 - (3) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to uses outside the boundary lines of the development comparable to that otherwise required of development in the zone.
 - (4) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks and other design features are used to avoid adverse impact of the greater height.
 - (5) Streets may be dedicated to the public or remain in the ownership of the homeowners association. All streets shall conform to the City of Stayton's street construction standards, except as noted in (7) below.
 - (6) Designated arterial or collector streets, as identified on the Stayton Comprehensive Plan shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way.

- (7) Private streets shall be designed and constructed to the following width standards:

<u>STREET TYPE</u>	<u>R/W WIDTH</u>	<u>CURB TO CURB PAVEMENT</u>
Minor two-way (Less than 200')	22'	18'
Minor one-way (Less than 200')	16'	12'
Local	30'	24'

Parking need not be provided on-street; however when it is, 7' shall be added to the above for each side of the street parking will be allowed on.

- (8) Parking will be required in accordance with the provisions of Chapter V. However, if no parking is to be allowed on-street, the overall parking requirements for the Planned Unit Development will be increased 15%.
- (9) Sidewalks will not be required adjacent to private streets; however, the overall plan for the Planned Unit Development shall include an acceptable pedestrian circulation system.

(C) Residential Project Density.

- (1) Within a residential Planned Unit Development, the density shall not exceed the density of the zone in which it is located; however, after making proper findings, the City Council may authorize the following increases in density in excess of the density otherwise allowed in the zone:
 - a. For an approved plan of managing common open space, a maximum residential density increase of 10% is allowable if the space is to be continuously maintained and developed.
 - b. For distinctiveness and excellence in siting, design, and landscaping that will provide unusual enhancement to the general area, a additional residential density increase of up to 10% may be allowed. Examples of distinctiveness and excellence include, but are not limited to, provision of superior recreational amenities, utilization of natural attributes of the site, provision of a mixture and variety of housing units sharing common design themes, use of distinctive architectural styles and materials, attention to detail, and arrangements of housing units in a manner which clearly enhances overall livability of the development.
- (2) If the City Council finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions:

- a. Inconvenient or unsafe access to the Planned Unit Development.
- b. Traffic congestion in the streets which adjoin the Planned Unit Development.
- c. An excessive burden on sewerage, water supply, parks, recreational area, schools or other public facilities which serve or are proposed to serve the Planned Unit Development.

(D) Common Open Space.

- (1) No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:
 - a. The location, shape, size and character of the common open space is suitable for the Planned Unit Development.
 - b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected residential population or work force, topography, and the number and type of structures provided.
 - c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space. Such improvements shall be made by the developer prior to final approval of the Planned Unit Development, or must be assured pursuant to the provisions of Section 5.060 of this Code.
 - d. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the Planned Unit Development.
 - e. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.
- (2) Land shown on the final development plan as common open space shall be conveyed under one of the following options:
 - a. To a public agency which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.

b. To an association of owners or tenants, created under the laws of the State, which shall adopt and impose by-laws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. The association by-laws and covenants and restrictions shall be approved by the Planning Commission and Council, with recommendations by the City Attorney; such ability to reasonably provide for the continuing care of the common elements.

- (3) No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of Common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- (4) If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space shall authorize the City to enforce their provisions, using liens or assessments to pay the cost to the City of enforcement.

(E) Park and Recreational Facilities.

- (1) For residential developments in addition to common open space provided in Section (D), an additional 5% of the gross acreage shall be provided for public park and recreation use. This area shall be dedicated to the City and shall be maintained and held by the City for public park and recreation use.
- (2) As an alternative thereto, in cases where such recreation area would not be effectively used because of size, location, or character of the development or where agreed upon by the Council, the developer shall pay to the City a fee earmarked for recreation use and development equal to 5% of the total assessed value of the land being developed, at the time of development, as computed by the County Assessor for the coming calendar year under procedures set forth in ORS 92.095 as amended.

(F) Allowable Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized by the zoning district, accessory uses approved as a part of a Planned Unit Development may include the following uses:

- (1) Golf course.
- (2) Private park, lake or waterway.
- (3) Recreation area.
- (4) Recreation building, clubhouse or social hall.

- (5) Other accessory structures or uses which the City determines is designed to serve primarily the occupants of the Planned Unit Development, and is compatible with the design of the Planned Unit Development

6.040 Application and Approval Requirements for Manufactured Home Subdivisions.

- (A) General Provisions. The development, submittal and City approval of manufactured home subdivision proposals shall be in accordance with the standards and procedures for conventional subdivisions as cited in 6.020 and 6.025 herein, except as provided otherwise in 6.040(A) and (B) below.
 - (1) Minimum Standards. The requirements and standards set forth in this section are the minimums to which a manufactured home subdivision must conform before City approval. No land within the City of Stayton shall be developed for use as manufactured home subdivision and no plan or plat will be filed or recorded until submitted to and approved by the City.
 - (2) Location. A manufactured home subdivision shall be permitted only in those zoning districts where specified by Chapter IV (zoning), and shall be subject to the lot area and other standards of those districts.
 - (3) Code Conformance. Dwellings in manufactured home subdivisions must conform in all respects to local, State and Federal requirements in effect at the time of their installation.
- (B) Specific Standards.
 - (1) Dwelling Types Permitted.
 - a. Manufactured home subdivisions shall contain only Class A Manufactured/Mobile homes as defined in Chapter V of this Code.
 - b. Only one manufactured dwelling shall be permitted on a lot.
 - c. Each unit in the subdivision shall have an attached garage or carport made up of like materials and color of the dwelling. Accessory structures may be constructed in similar fashion, and unless otherwise provided for herein, shall comply with the minimum requirements of the zoning district in which the subdivision is located.
 - (2) Yard Regulations. Minimum setbacks and yard regulations shall be as indicated below. Where such setbacks are not consistent with those specified by the applicable zoning district, the more restrictive standards shall apply.
 - a. Front Yard. No garage or parking structures shall be closer than twenty (20) feet from the front property line. All other buildings shall be set back at least fifteen (15) feet.
 - b. Side Yards. A yard of not less than five (5) feet shall be on each side of the lot. Corner side yards shall not be used for

clotheslines, incinerators, permanent storage of trailers, boats, recreational vehicles or of any materials.

- c. Rear Yards. Dwelling units shall be set back not less than ten (10) feet from the rear property line. Accessory buildings shall be set back not less than five (5) feet from the rear property line.
- d. All patio structures and swimming pools shall be a minimum of five (5) feet from any side or rear property line. Swimming pools shall be enclosed within a seven-foot high, sight-obscuring fence.

(3) Building or Structure Height Limitations.

- a. Residential Buildings. The maximum building or structural height shall be twenty-eight (28) feet.
- b. Accessory Buildings. The maximum building or structural height shall not exceed fifteen (15) feet.
- c. Non-Residential Buildings. The maximum building or structural height shall not exceed twenty-eight (28) feet.

- (4) Removal. If a unit is removed from its foundation and not replaced by another home within thirty (30) days, the owner of the lot shall disconnect and secure all utilities.

6.045 Appeals. Appeals of actions or decisions authorized by this Chapter shall made pursuant to the appeal procedures of Chapter III of this Code.

6.050 Enforcement.

- (A) Enforcement of this Chapter shall be as specified in Chapter I.
- (B) Where the City deems it necessary, the applicant shall insure that the provisions of this Code are followed, and will, if required by the City:
 - (1) Furnish proof of Financial Performance, pursuant to the provisions of Chapter V, to insure that the development or project will be carried out in accordance with the approved specifications.
 - (2) Agree that where the applicant does not conform to specifications of this Code or will not conform to the City's ruling, then the City may enter the premises, expending such money and labor as necessary to make such specifications conform, and any such expense shall constitute a lien upon the improvements as improved.
 - (3) Make any other agreement that the City would approve between the City and the applicant.

