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ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

Chapters:

- 1.1 Introduction
- 1.2 Title, Purpose, and Authority
- 1.3 Non-Conforming Situations
- 1.4 Code Interpretations
- 1.5 Enforcement

Chapter 1.1 — Introduction

The City of Yoncalla Development Code (“Code”) is administered by the Planning Commission or its designee. The Code regulates land use and development within the City of Yoncalla, and is organized as follows:

- Article 1.** Article 1 describes the title, purpose, authority, organization and general administration of the Code. Article 1 also explains how city officials interpret and enforce code requirements.
- Article 2.** Article 2 contains the zoning regulations. Zones are designated by the City of Yoncalla Zoning Map, consistent with the City of Yoncalla Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner shall complete a Land Use Compatibility Statement.
- Article 3.** Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required.
- Article 4.** Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, lot line adjustments, conditional use permits, site plan review, and variances.
- Article 5.** Article 5 contains definitions and other exhibits that the City uses in interpreting and administering the Code.

Chapter I.2 — Title, Purpose, and Authority

Sections:

- I.2.010 Title
- I.2.020 Purpose and Composition
- I.2.030 Rules of Code Construction
- I.2.040 Development Code Consistency with Comprehensive Plan and Laws
- I.2.050 Coordination of Building Permits
- I.2.060 Official Action

I.2.010 Title

The official name of this Code is “The City of Yoncalla Development Code.” It may also be referred to as “Development Code” and “Code.”

I.2.020 Purpose and Composition

This Code, along with other documents is intended to augment and implement the Yoncalla Comprehensive Plan. All of the various planning documents which control the character and development of the City of Yoncalla must be used together to fulfill their combined purpose, which is to create and maintain a proper environment for human interaction, and to encourage the orderly and efficient development and use of land within the City of Yoncalla, consistent with the City of Yoncalla Comprehensive Plan and the following principles:

A. Promote Orderly City Growth:

- **Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks and transportation facilities), which maximizes the return on public investments in infrastructure;
- **Provision of Rules, Regulations and Standards** to govern the approval of subdivisions, partitions and lot line alterations, to carry out the development pattern and plan of the City of Yoncalla and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fire, flood, pollution and other dangers and to provide adequate light and air, and to prevent overcrowding of land.
- **Efficient and Appropriate Utilization of the Land** to conserve and stabilize property values; to establish standards for desired population densities; to provide adequate open space for light, air, and landscaping;

B. Transportation Efficiency, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local designation, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car; to provide workable relationships of land use to the transportation system; to provide for community facilities and expedite fire and police protection;

- C. Pedestrian-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas and other components of the built environment are designed foremost with pedestrians in mind;
- D. Environmental Health**, which requires adequate protection of natural resources, management of surface water runoff, and treatment and disposal of waste; encourage the conservation of energy resources;
- E. Efficient Administration of Code Requirements**, consistent with the needs of the City of Yoncalla, a small city with limited administrative capacity.

A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this title permits.

I.2.030 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Interpretation.** Where the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern.
- C. Highest standard or requirement applies.** Where the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The Planning Secretary or Planning Commission, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Commission, or upon referral the City Council, may issue a formal interpretation pursuant with Chapter 1.4 Code Interpretations.
- D. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- E. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the City decision making body to exercise such discretion.
- F. Interpreting Illustrations.** This Code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required” or “prohibited,” strict adherence to the graphic is not required.

1.2 – Title, Purpose and Authority

- G. Severability.** The provisions of this title are severable. If any section, sentence, clause, or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this title.
- H. Specific Provisions.** Any portion or provision of this title shall be referred to by the section number under which it is codified, along with any subsection designations the specific provisions have been given.
- I. Amendment.** In amending any portion of this title, it shall only be necessary to set forth in full, as so amended, the smallest particular breakdown of a section being amended. Identification in the amending ordinance of the portion or provision of this title being amended shall be by the manner of reference provided in subsection (H) of this section.

1.2.040 Development Code Consistency with Comprehensive Plan and Laws

- A. Yoncalla Comprehensive Plan.** This Code implements the City of Yoncalla Comprehensive Plan. Except as otherwise required by applicable State or Federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.
- C. References to Other Regulations.** All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City of Yoncalla requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

1.2.050 Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by a combination of the City of Yoncalla and Douglas County. The Douglas County Building Department administers building codes and issues building permits and Certificates of Occupancy; and the Planning Secretary administers the Development Code, processes land use approvals, and coordinates with the Designated Building Official on development and building projects to ensure compliance with the Development Code.

- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the Planning Secretary has confirmed that all applicable requirements of this Code are met through a Land Use Compatibility Statement and any appropriate conditions of approval are in place to ensure compliance.

I.2.060 Official Action

- A. Official Action.** The City of Yoncalla Planning Secretary, Planning Commission and City Council are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 Application Requirements, Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Duties and Powers of the Planning Secretary.** The Planning Secretary shall be a paid employee or agent of the City and shall coordinate the administration of this Code with other City, State or Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. In addition, the Administrator shall be expected to seek the fulfillment of the provisions of this Code, both general and specific. The Planning Secretary shall interpret the provisions of this Code. Such interpretations may be appealed to the Planning Commission. Interpretations for uses within zones not expressly mentioned in this Code shall be referred to the Planning Commission.

Additional duties of the Planning Secretary shall include the following:

1. Review and evaluate all site plans to establish compliance with the provisions of this Code; prepare or contract for staff reports for development applications requiring submission to the Planning Commission or City Council;
2. Receive and process, or contract processing, for all applications, including variances, conditional use permits, temporary permits and zone changes in accordance with the processing procedures outlined in Article 4.
3. Take or delegate responsibility for recording and filing all applications with accompanying plans and documents and otherwise acting as secretary to the Planning Commission. All applications and documents shall be a public record.
4. Take responsibility for seeing that inspections and surveys are done to determine compliance or non-compliance with the terms of this Code. Upon completion of all final inspections to verify compliance with the uniform building code, the Douglas County Building Department will issue a Certificate of Occupancy.
5. Revoke, by writing, a permit or approval issued contrary to this Code or based on a false statement or misrepresentation in the Application.
6. Stop, by written order, work being done contrary to the Building Code or to this Code. Such written order, posted on the premises involved, shall not be removed except by order of the Douglas County Building Department. Removal without such order shall constitute a violation of this Code.
7. Initiate appropriate actions or proceedings to:

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- a. address any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use which may come to the attention of the Planning Secretary;
- b. restrain, correct or abate any such violation, so as to prevent the occupancy or use of any building, structure or land;
- c. prevent any illegal act(s), conduct, business or use in or about such premises.

C. Duties of the Planning Commission.

1. The Planning Commission shall conduct public hearings and review and decide on all applications for Variance, Conditional Use Permit, or Temporary Permit as required by this Code; hear all petitions and make a recommendation to the City Council as provided by this Code.
2. The Planning Commission shall study and report on all proposed amendments to the text or map of this Code referred to it by the City Council or upon receipt of a petition.
3. The Planning Commission shall hear any appeals of administrative decisions made by the Planning Secretary.
4. The Planning Commission shall review this Code and report on the same to the City Council at least once every 5 years, commencing on the date of enactment of this Code. Specifically, the Planning Commission shall:
 - a. Analyze the extent to which development has occurred in the City as compared to the projected growth at the time of the last previous mapping of the zones created by this Code;
 - b. Recommend any changes in the Zoning Map or Comprehensive Plan which would be required in order to accommodate the expected 20-year growth of Yoncalla for residential, industrial, commercial and other land uses;
 - c. Analyze the continued validity of any other regulations imposed by this Code in terms of changed conditions since the last review of the same.

D. City Council

This is the legal governing body of the City of Yoncalla and, as such, the only body that can adopt or amend ordinances, including the one creating this Code. Therefore it shall be the City Council which hears and decides on requests for amendments and zone changes. This body shall also review appointments to the Planning Commission and appoint the Planning Secretary, and shall hear and decide on appeals of decisions of the Planning Commission.

- E. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.1 General Review Procedures.

Chapter 1.3 – Non-Conforming Uses

Sections:

- 1.3.010 Continuation of nonconforming use.
- 1.3.020 Enlargement or expansion of a nonconforming use.
- 1.3.030 Discontinuance of nonconforming use.
- 1.3.040 Change of nonconforming use.
- 1.3.050 Destruction of nonconforming use or structure.
- 1.3.060 Completion of structure.

1.3.010 Continuation of nonconforming use.

Subject to the provisions of ORS 215.130 and subsequent county provisions, a nonconforming use or structure may be continued. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not considered an enlargement or expansion of a nonconforming use under Section 1.3.020.

1.3.020 Enlargement or expansion of a nonconforming use.

In case of practical difficulty and unnecessary hardship, the planning commission may grant a variance for the enlargement or expansion of a nonconforming use up to 20 percent in floor area or, in those cases not involving structures, up to 10 percent in land areas as existing on the effective date of the ordinance codified in this title.

1.3.030 Discontinuance of nonconforming use.

- A. If a conforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to this title.
- B. If a conforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this title.

1.3.040 Change of nonconforming use.

- A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.
- B. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission determines that such structure is suitable only by another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

1.3.050 Destruction of nonconforming use or structure.

If a nonconforming structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this title.

1.3.060 Completion of structure.

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this title, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the building permit is issued.

Chapter I.4 — Code Interpretations

I.4.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. Generally, where the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern. Alternatively, this section provides a formal process for resolving differences in the interpretation of the Code text if necessary or desired.

A. Code Interpretation Procedure. Requests for a code interpretation shall be made in writing to the Planning Secretary and shall be processed as follows:

1. The Planning Secretary, within 7-14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
2. Where an interpretation does not involve the exercise of discretion, the Planning Secretary shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
3. Where an interpretation requires discretion, the Planning Secretary shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Planning Secretary then shall review relevant background information, including but not limited to other relevant Code sections and previous City land use decisions, and follow the Type III review and decision making procedures in Section 4.1.040.

B. Written Interpretation. Following the close of the public comment period on an application for a code interpretation, or a Planning Commission's decision on a code interpretation application, the Planning Secretary shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

C. Referral to City Council. Where a code interpretation may have significant citywide policy implications, the Planning Secretary may bypass the procedure in subsection I.4.010 (A) (3) & (B) and refer the request directly to the City Council for legislative review in a public hearing; such public hearings shall be conducted following Type IV procedure of Section 4.1.050.

D. Interpretations on File. The City shall keep on file a record of its code interpretations.

Chapter 1.5 — Enforcement

Sections:

- 1.5.010 Violation
- 1.5.020 City Attorney
- 1.5.030 Liability
- 1.5.040 Complaints
- 1.5.050 Persons Liable
- 1.5.060 Enforcement Procedures
- 1.5.070 Penalties and Remedies
- 1.5.080 Permit Revocation
- 1.5.090 Repeal

1.5.010 Violation

Any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed an infraction, which, upon conviction thereof, is punishable as prescribed in this Chapter and/or Oregon Revised Statute (ORS) Chapter 161. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used in violation of this title, the building or land thus in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

1.5.020 City Attorney

In matters which cannot, or should not, be resolved by the Administrator, Planning Commission or City Council, the City Attorney shall be the official to seek redress for the City for any violations of this Code referred to him or her by the City Council.

1.5.030 Liability

The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the City of Yoncalla or any official or employee thereof or the practicality or safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto.

1.5.040 Complaints

Whenever the Planning Secretary receives a written and signed complaint alleging a violation of this Code, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken.

I.5.050 Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

I.5.060 Enforcement Procedures

1. If the Planning Secretary finds that any provision of this Code is being violated, he/she shall mail written notice to the person responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct it and the time limit in which action must be taken. Additional written notices may be sent at the Administrator's discretion. All notices of violation shall be sent via registered mail with receipt notification.
2. The written notice shall state what action the Administrator intends to take if the violation is not corrected and shall advise that Planning Secretary's decision or order may be appealed in accordance with Section 4.1.030 (D).
3. Notwithstanding the foregoing, in cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1.5.070.
4. If the violation is not corrected in accordance with 1, the Planning Secretary should forward this information to the authorized Representative of the City of Yoncalla who will issue a citation. The term "authorized representative" means any or all of the following: Yoncalla's City Recorder, Public Works Director, Code Enforcement Officer or other City staff person(s) designated by the City Council.

I.5.070 Penalties and Remedies

In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this code shall be subject to a fine set by City Council resolution. Violations of this code may also be deemed to constitute a nuisance that may be abated by appropriate proceedings. Any person who violates this ordinance or fails to comply with any of its requirements shall be responsible for all costs and expenses involved in resolving the violation. Nothing herein contained shall prevent the City of Yoncalla from taking such other lawful action as is necessary to prevent or remedy any violation.

Any such violation(s) mentioned above shall be offense(s) against the City, and any person(s) committing such violation(s) shall, upon conviction, be punished by a fine not to exceed \$500.00 for each offense, and each day any violation continues may constitute a separate offense. Conviction of a violation shall not give rise to any disability or legal disadvantages based on conviction of a crime. If the offender fails to pay this penalty within 10 days after conviction for a violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may not be appealed if the offender was sent a written notice of violation in accordance with Section 1.5.060 and did not file an appeal (as provided by Section 4.1.030 (D)) within the prescribed time.

I.5.080 Permit Revocation

1. Planning clearance for variances; conditional use permits, sign permits, fence permits and all other permits regulated by this Code (hereinafter called "permits") may be revoked by the permit-issuing authority if the permit recipient fails to develop or maintain the property in accordance with the plans submitted or in accordance with the requirements of this Code or any additional requirements or conditions lawfully imposed by the Planning Commission or City Council.
2. Before a permit may be revoked, the Planning Secretary shall give the permit recipient 10 days of notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his/her right to obtain a hearing before the Planning Commission on the allegations. If a hearing is requested, notice shall be given in accordance with 4.1.030 (D).
 - a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection 1 of this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party; and,
 - b. A motion to revoke a permit shall include a statement of the specific reasons or findings of fact that support the motion. The permit issuing authority conducting the hearing shall provide to the permittee a written statement of the decision and the reasons therefore.
3. No person may continue to make use of land or buildings in the manner authorized by permit after such permit has been revoked in accordance with this Section.

I.5.090 Repeal

Upon the effective date thereof, but not otherwise, Ordinance 214, "Zoning Ordinance of the City of Yoncalla," enacted December 1991, and Ordinance 256, "Subdivision Ordinance of the City of Yoncalla," enacted August 1980, and all amendments thereto, including Ordinance 390 (2005), are hereby repealed and all other ordinances in conflict with this Code are hereby repealed to the extent necessary to give this Code full force and effect.

ARTICLE 2: ZONING REGULATIONS

Chapters:

- 2.1 Basic Provisions
- 2.2 Exceptions
- 2.3 Use Districts
- 2.4 Special Use Districts

Chapter 2.1 -- Basic Provisions

Sections:

- 2.1.010 Classification of zones
- 2.1.020 Location of zones
- 2.1.030 Zoning map
- 2.1.040 Zone boundaries
- 2.1.050 Zoning of annexed areas

2.1.010 Classification of zones.

For the purposes of this title, the following zones are hereby established:

- Zone Urban residential*
- Community commercial*
- General industrial*

2.1.020 Location of zones.

Abbreviated Designations

- R-1 – Single Family Residential*
- R-2 – Medium Density Residential*
- C-1 – Community commercial*
- G-IND – General industrial*

The boundaries for the zones listed in this title are indicated on the Yoncalla zoning map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

2.1.030 Zoning map.

A zoning map or zoning map amendment adopted by Section 2.1.020 or by an amendment thereto shall be prepared by authority of the planning commission or by a modification by the city council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the city recorder as long as this title remains in effect.

2.1.040 Zone boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of street or railroad rights-of-way, or such lines extended.

2.1.050 Zoning of annexed areas.

Concurrent with annexation of land to the City of Yoncalla, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to this Chapter. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

Chapter 2.2 -- Exceptions

Sections:

- 2.2.010 Zone boundaries
- 2.2.020 Authorization of similar uses
- 2.2.030 General provisions regarding accessory uses
- 2.2.040 Projections from buildings
- 2.2.050 General exception to lot size requirements
- 2.2.060 General exceptions to yard requirements
- 2.2.070 General exception to building height limitations

2.2.010 Zone boundaries.

If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies; provided, that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

2.2.020 Authorization of similar uses.

The planning commission may permit in a particular zone a use not listed in this title, provided the use is of the same general type as the uses permitted there by this title. However, this section does not authorize the inclusion of a use in a zone where it is not listed which is specifically listed in another zone.

2.2.030 General provisions regarding accessory uses.

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitation: An accessory structure separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than three feet to a property line.

2.2.040 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 18 inches into a required yard.

2.2.050 General exception to lot size requirements.

If the aggregate of contiguous lots held in a single ownership as recorded in the office of the county clerk at the time of the passage of the ordinance codified in this title has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; provided, that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone.

2.2.060 General exceptions to yard requirements.

The following exceptions to the front yard requirements for a dwelling are authorized for a lot in any zone:

- A.** The required front yard for a dwelling need not exceed the average depth of the nearest front yards of dwellings within 100 feet on both sides of the proposed dwelling, except for garages and carports taking access on the front of the property.

2.2.070 General exception to building height limitations.

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this title.

Chapter 2.3 – Use Districts

Sections:

- 2.3.010 Single Family Residential (R-1)
- 2.3.020 Medium density residential zone (R-2)
- 2.3.030 Community commercial zone (C-1)
- 2.3.040 General industrial zone (G-IND)
- 2.3.050 Historic special district

2.3.010 Single Family Residential (R-1) Zone

In a R-1 zone the following regulations shall apply:

A. Purpose and Applicability.

1. To provide for, encourage, promote and protect the character of community residential areas having a suitable environment for a range of housing choices in support of small city urban and suburban family life.
2. This district, and density options therein, is intended for application only to those areas having facilities available to support the expected density and to carry out the above-stated purposes.

B. Uses Permitted Outright. In a R-1 zone the following uses and their accessory uses are permitted outright:

1. One-family dwellings, two-family dwellings.
2. Manufactured homes on single family lots, subject to the standards outlined at Section 2.4.130.
3. Church.
4. Forestry, nursery, and limited farm use.
5. Public building.
6. Schools
7. Home occupation.
8. Park and publicly owned recreation areas.
9. Utility substation lines necessary for public service.
10. A travel trailer or recreational vehicle used during the construction of a permitted use for which a building permit has been issued.
11. Residential home (five persons or less), subject to the standards outlined at Section 2.4.120.
12. Bed and breakfast home stay, subject to the standards outlined at Section 2.4.070.

13. Cottage housing, subject to the standards in Section 2.4.160.
14. One accessory dwelling unit as provided in Section 2.4.150.

C. Standards. In a R-1 zone the following standards shall apply:

1. Front yards shall be landscaped and maintained.
2. Signs shall be in accordance with Sections 2.4.020 and 3.3.110.
3. Parking shall be in accordance with Section 2.4.030.
4. Standard conditions for manufactured homes on individual lots are outlined under Section 2.4.130 Special use Standards for manufactured homes on single family lots.
5. Possible natural hazard areas, as indicated on the zoning map, shall be referred to the planning commission for consideration under restrictions set forth in Section 3.2.090.

D. Conditional Uses Permitted. The following are conditional uses in the R-1 zone, subject to the provisions of Chapters 2.3, 3.2 and 4.2:

1. Triplex, apartment or multifamily dwellings (consistent with Multi-family Standards at 2.4.100)
2. Boarding and rooming houses.
3. Churches and temples.
4. Child day care center.
5. Private schools.
6. Group care or nursing homes.
7. Cemeteries; provided, that no aboveground structure (e.g., building, monument, headstone or grave marker) is closer than 100 feet to any property line and no interment facility shall be closer than 50 feet to any property line.
8. Manufactured home park subject to Section 2.4.090.
9. Residential facilities, to include residential care facility, residential training facility and residential treatment facility.

E. Standards.

1. Outdoor storage shall be screened by a sight-obscuring fence.
2. Parking shall be in accordance with Section 2.4.030.
3. Signs shall be in accordance with Section 2.4.020 and 3.3.110.
4. The maximum density permitted on any parcel in the Traditional Residential District shall be 10 dwelling units per acre. The maximum density limitation does not apply to accessory dwelling units or cottage housing.

F. Minimum Lot Size and Dimensions

Minimum lot size and dimensions shall be:

| No, or Type of Unit | Minimum Lot Size (sq. feet) | Minimum Lot Width* (feet) | Minimum Lot Length (feet) |
|---|-----------------------------|---------------------------|---------------------------|
| Single-family Dwelling | 6,500 | 60; 65 on corners | 100 |
| Duplex | 9,000 | 65 | 100 |
| Each Additional | 3,000 | | 100 |
| <i>Over twelve units at a ratio of 2,725 square feet per unit over 12, with a minimum length and width of 100 feet.</i> | | | |

** Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.*

G. Maximum Lot Coverage

Maximum lot coverage shall be 50%.

H. Setbacks

Minimum setbacks shall be measured from the property line, except setbacks adjacent to an arterial street shall be measured from the public right-of-way street. The setbacks in feet shall be:

| | Main Building | Required Off Street Parking | Accessory Building |
|-------|---|-----------------------------|--|
| Front | 15 ft. Where adjoining front yards are less than required than the average of such yards will serve as the standard. | 15 | 20 ft. for garages and carports taking access off of front. Where adjoining front yards are less than required than the average of such yards will serve as the standard. |
| Side | 5 ft. 15 ft. for the street side of corner lots. | | 5 ft. 15 ft. for the street side of corner lots. |
| Rear | 10 ft. 10 ft from center of alley | | 10 ft. 10 ft from center of alley |

Minimum setback of an accessory building from a main building or another accessory building shall be five (5) feet.

I. Maximum Structure Height

Maximum structure height in feet shall be:

| Structure | Distance |
|-----------------------------------|---|
| Main Building | 35 |
| Energy apparatus on main building | 5 above main building |
| Accessory building | The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor. |
| Antennas, spires, etc. | 75 |
| Fences and hedges | 4 in front and side setbacks if adjacent to a street; 6 elsewhere where the fence or hedge is of solid design and a maximum of 8 feet with an open design |

J. Utility, Public Improvement, Construction and Use Requirements

See Chapter 3.3: Public Facilities

2.3.020 Medium Density Residential (R-2) Zone

A. Purpose and Applicability

To allow medium density development and serve as a general residential zone for a variety of housing types.

B. Uses Permitted Outright

The following uses are allowed in the Medium Density Residential Zone, subject to compliance with other requirements:

1. One Single-Family Dwelling or one Manufactured Home on a lot.
2. One Duplex on a lot.
3. Triplex, apartment or multifamily dwellings (consistent with Multi-family Standards at 2.4.100)
4. Mobile Homes in a Mobile Home Park or Mobile Home subdivision of five (5) acres or more subject to Section 2.4.090.
5. Residential Training and Residential Treatment Homes (five persons or less).
6. Cottage housing, subject to the standards in Section 2.4.160.
7. One accessory dwelling unit as provided in Section 2.4.150.

C. Conditional Uses

The following uses are allowed in the Medium Density Residential Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Public and semi-public uses, including government uses and utility structures.
2. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility subject to the standards outlined at 2.4.120.
3. Bed and breakfast home stay, subject to the standards outlined at Section 2.4.070.

D. Accessory Uses Permitted Outright

The following uses are permitted outright in the Medium Density Residential zone in conjunction with any permitted or conditional use and subject to compliance with other requirements:

1. Home gardens and orchards
2. Sheds or other appurtenant facilities for storage.
3. Home occupation.

E. Conditional Accessory Uses

The following uses are permitted in the Medium Density Residential Zone if a Conditional Use Permit is granted as specified in Chapter 4.2, Conditional Use Permits, and subject to compliance with other requirements:

- I. Home occupation in an accessory building

F. Minimum Lot Size and Dimensions

Minimum lot size and dimensions shall be:

| No. or Type of Unit | Minimum Lot Size (sq. feet) | Minimum Lot Width* (feet) | Max Lot Coverage |
|---|-----------------------------|---------------------------|------------------|
| Single-family Dwelling | 4,500 | 60; 75 on corners | 40% |
| Duplex | 6,500 | 70; 75 on corners | 60% |
| Multiple Family | 10,000 | 80; 85 on corners | 60% |
| <i>Over twelve units at a ratio of 2,725 square feet per unit over 12, with a minimum length and width of 100 feet.</i> | | | |

** Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.*

G. Setbacks

Minimum setbacks shall be measured from the property line, except setbacks adjacent to an arterial street shall be measured from the point forty (40) feet from the centerline of the arterial street. The setbacks in feet shall be:

| | Main Building | Accessory Building |
|-------|--|---|
| Front | 15 ft. Steps allowed within the front yard setback | 15 ft. Garages shall be set back a minimum of 20 ft from the front property line and shall be set back a minimum of 5 feet from the longest wall of the front façade of the house. |
| Side | 5 ft. Corner lots shall have a side yard next to the street of 10 feet. | 5 ft. Corner lots shall have a side yard next to the street of 10 feet. |
| Rear | Not less than 10 ft. from the rear property line. | Accessory structures that require a building permit shall be set back not less than five (5) feet from the rear property line. |

Minimum setback of an accessory building from a main building or another accessory building shall be five (5) feet.

Setback Exceptions. The following architectural features are allowed to encroach into the yard setbacks:

eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks and similar structures not exceeding 2 feet in height may encroach into setbacks by no more than 2 feet, subject to front yard setback provisions.

H. Maximum Structure Height

Maximum structure height in feet shall be:

| Structure | Distance |
|-----------------------------------|--|
| Residential Buildings | 35 ft. |
| Energy apparatus on main building | 5 ft. above main building |
| Accessory building | The maximum structural height shall be 15 ft.. The maximum height may be 25 ft. if a living unit is provided on the second floor. |
| Antennas, spires, etc. | 75 ft. |
| Fences and hedges | 4 ft. in front and side setbacks if adjacent to a street; 6 ft. elsewhere where the fence or hedge is of solid design and a maximum of 8 ft. with an open design |

I. Utility, Public Improvement, Construction and Use Requirements

See Chapters 3.3: Public Facilities

2.3.030 Community Commercial Zone (C-1)

In a C-1 zone the following regulations shall apply:

A. Purpose and Applicability.

1. To create and preserve areas suitable for commercial uses and services on a broad basis to serve as the central shopping or principal downtown area of the community.
2. In general, this zone shall be applied only as indicated on the comprehensive plan and shall be for the town "center" already existing and desirable to retain and for those areas that, because of population growth and distance from existing services, should be developed for such purposes.

B. Uses Permitted Outright. In a C-1 zone the following uses and their accessory uses are permitted outright:

1. Retail trade establishment such as food store, drugstore, gift shop, hardware store and furniture store.
2. Repair and maintenance service or the type of goods to be found in the above-permitted retail trade establishments, provided such service is performed wholly within an enclosed building.
3. Business, governmental and professional office.
4. Financial institution.
5. Eating and drinking establishment.
6. Personal and business services such as barber shop, tailoring, printing, funeral home or laundry and dry cleaning establishment.
7. Motels, hotels and apartments.
8. School or college, church, community meeting building, hospital.
9. Governmental structure such as fire station or library, but excluding a storage or repair type facility.
10. Park, golf course, publicly owned recreation area.
11. Utility lines, substation or facility, radio or television broadcasting studios.
12. Travel trailer or manufactured home used during the construction of a permitted use for which a building permit has been issued.
13. Other similar types of uses as may be permitted by the planning commission under Section 2.2.020.
14. Residential home (five persons or less) in a pre-existing single-family dwelling, subject to the standards outlined at 2.4.120.

C. Conditional Uses Permitted. The following are conditional uses in the C-1 zone, subject to the provisions of Chapters 2.3, 3.2 and 4.2.

1. Automobile service stations or garages; car washes and laundries other than those utilizing automatic or steam cleaning equipment.
2. Commercial amusement establishments such as bow ling alleys, skating rinks, pool halls, etc.
3. Drive-in uses.
4. Equipment sales and rental yards, used car lots and other yards where retail sales products are displayed in the open.
5. Triplex, apartment or multifamily dwellings (consistent with Multi-family Standards at 2.4.100)
6. Funeral homes, undertaking parlors and mortuaries.
7. Bed and breakfast home stay, subject to the standards outlined at Section 2.4.070.

D. Standards. In a C-1 zone the following standards shall apply:

1. The minimum yards adjacent to a residential zone shall be the same as if the lot were in a residential zone.
2. The minimum rear yards shall be 10 feet from the center of an alley or rear lot line.
3. The maximum building height shall be 35 feet.
4. Outdoor storage shall be screened with a sight -obscuring fence.
5. Parking shall be in accordance with Section 2.4.030.
6. Signs shall be in accordance with Section 2.4.020 and 3.3.110.

E. Minimum Lot Size and Dimensions

Minimum lot size and dimensions shall be:

| No. or Type of Unit | Minimum Lot Size (sq. feet) | Minimum Lot Width* (feet) | Max Lot Coverage |
|---|-----------------------------|---------------------------|------------------|
| Commercial | 2,500 | 25 | 60% |
| Single Family | 5,000 | 50 | 50% |
| Duplex | 6,500 | 70; 75 on corners | 60% |
| Multiple Family | 10,000 | 80; 85 on corners | 60% |
| <i>Over twelve units at a ratio of 2,725 square feet per unit over 12, with a minimum length and width of 100 feet.</i> | | | |

F. Utility, Public Improvement, Construction and Use Requirements

See Chapters 3.3: Public Facilities

2.3.040 General Industrial Zone (G-IND)

In a G-IND zone the following regulations shall apply:

A. Purpose and Applicability.

1. To provide areas for the location of those business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in the community commercial zone; to encourage the grouping of heavy commercial and limited industrial uses for mutual protection and to effect economies and efficiency in the provision of public utilities, streets and services.
2. To allow for space for conditional industrial uses that are generally considered to be offensive or to have some element of danger; to prohibit the encroachment of incompatible uses; to regulate the nuisance uses so as to decrease their detrimental effect on surrounding uses of land.
3. This zone will normally be established in support of community economic development and shall not be established without access to a major thoroughfare or a land service road of reasonable standard.

B. Uses Permitted Outright.

In a G-IND zone the following uses are permitted outright:

1. Farm use.
2. Forestry.
3. Utility lines not necessary for public service.
4. Travel trailer or manufactured home used during the construction of a permitted use for which a building permit has been issued.
5. Signs subject to the provisions of Sections 2.4.020 and 3.3110.
6. Utility substation.
7. Fire station.
8. Radio or television transmitter tower.
9. Railroad facilities.
10. Animal hospital, provided no noise is audible in an adjacent residential zone.
11. Kennel.
12. Wholesale, trucking and storage establishment.
13. Machine shop, cabinet shop or related light manufacturing.
14. Machinery, farm equipment, marine craft, car sales, service and repair.
15. Advertising sign in accordance with Section 2.4.020.

16. Building material sales and storage yard.
17. Laboratory for experiment, research or testing, except combustion-type motor testing.
18. Governmental building, including maintenance, repair, or storage facilities.
19. Plumbing, heating, electrical or paint contractors, storage, repair or sale shop.
20. Mining.
21. Airport.
22. Except as qualified below, any manufacturing, processing, assembling, research, laboratory, bottling or packaging uses which are conducted in a building and from which there is no odor, dust, smoke, gas, noise, vibration, radiation or other effect which has measurable nuisance qualities beyond the property line.

While considering the application for use approval for any such use, the planning commission shall review the performance characteristics for such use and shall in its opinion determine if a nuisance will be created and, if one is expected to develop, may deny the use or make requirements to eliminate the nuisance. This is a continuing control and the planning commission has the same authority after the use develops as before.

C. Conditional Uses Permitted.

The following uses and their accessory uses are permitted in a G-IND zone when authorized in accordance with Chapters 2.3, 3.2 and 4.2:

1. Automobile wrecking yard.
2. Automobile service station.
3. Bulk plant.
4. Junk yard.
5. Heavy manufacturing, fabricating, processing, repairing, packing or storage.
6. Public uses.
7. Semi-public use.
8. Manufactured home or dwelling unit other than a trailer accessory to permitted use as accommodations for a caretaker or watchman.

D. Limitations of Use.

The following limitations of use shall apply in a G-IND zone:

1. Any use which creates a nuisance because of noise, smoke, dust, or gas is prohibited.
2. Materials shall be sorted and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

3. All service, processing, and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from a residential zone by a permanently maintained sight-obscuring fence at least six feet high.
4. Access from a public street to properties in a G-IND zone shall be so located as to minimize industrial traffic onto residential streets.
5. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.
6. All lands in the UGB which appear to lie within the floodplain designation shall be developed to the standards and requirements of the Federal Flood Insurance Program. Information as to elevation on such property will be submitted to the city planning commission for their review, consideration, and applicability of flood construction standards" (see Section 3.2.060 and 3.2.070).

E. Standards.

1. In a G-IND zone the C-I standards shall apply. (The word "industrial" shall be substituted wherever the word "commercial" appears.)
2. Provisions of Chapters 2.3, 3.2 and 4.2 shall apply to the G-IND zone.

2.3.050 Historic Special District (HSD)

- A. Intent.** To maintain recognized historic areas and preserve their character.
- B. Designations.** Areas, sites, structures or objects eligible for this designation must have local, regional, statewide or national historic significance.
- C. Procedure.** No building or structure on a site which is designated special historic overlay shall be erected, altered, demolished, moved, or deleted from this designation without first obtaining specific approval of the planning commission. Review shall include uses, buildings, site layout, signs, and exteriors of all buildings.

The planning commission at a public hearing may approve, approve with conditions or deny the proposed action. Such decision by the commission shall take effect no later than 15 days from the date of the hearing and shall be conveyed to the applicant in writing.

An action or ruling of the planning commission pursuant to this section may be appealed to the city council within 10 days after the planning commission has rendered its decision. Written notice of the appeal shall be filed with the city recorder. If the appeal is not filed within the 10-day period, the decision of the planning commission shall be final.

If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

- D. Criteria.** In reviewing such proposals, the following shall be the basis by which the proposal is evaluated:
 - 1. Compatibility of the proposed alterations or uses with the nature of the historic site and surrounding area.
 - 2. Degree of retention of the distinguishing qualities of the site or building.
 - 3. Maintaining architectural features by repairing existing features or replacing with similar features.
- E. Ordinary Maintenance or Repair.** Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, construction, reconstruction or alteration of such feature which the building inspector shall certify is required by the public safety because of an unsafe condition.
- F. Hardship.** The review process shall not impose upon any property owner peculiar or undue hardship nor prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the same might reasonably be put upon restoration by a private property owner.

Chapter 2.4 — Special Use Standards

Sections:

- 2.4.010 Purpose and Applicability
- 2.4.020 Sign requirements
- 2.4.030 Off-street parking and off-street loading requirements
- 2.4.040 Distance between buildings
- 2.4.050 Distance from property line
- 2.4.060 Storage in front yard
- 2.4.070 Standard conditions for bed and breakfast home stays
- 2.4.080 Temporary medical hardship dwellings
- 2.4.090 Manufactured Home Parks
- 2.4.100 Multifamily Development
- 2.4.110 Dwellings in Commercial Zones
- 2.4.120 Residential Care Homes and Residential Care Facilities
- 2.4.130 Manufactured Home on a Single-Family Lot
- 2.4.140 Temporary Uses
- 2.4.150 Accessory Dwellings
- 2.4.160 Cottage Housing

2.4.010 Purpose and Applicability

Special uses included in Chapter 2.4 are uses, which, due to their effect on surrounding properties, must be developed in accordance with predetermined special conditions and standards. These standards are "special" because they may differ from the development standards established for other uses in the same zoning district.

All uses designated as Special Uses, and uses the City determined to be similar to such uses, are subject to the standards of Chapter 2.4. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.4.020 Sign requirements.

- A. No sign shall be placed in or extend over a required side yard or street right-of-way.
- B. There shall be no moving or flashing signs, and light from a sign shall be directed away from a residential use or zone and shall not be located so as to detract from a motorist's view of a traffic light.
- C. In the R-1, R-2, C-1, and G-IND zones, signs shall be limited to the following kinds which may be directed towards each facing street or located points of vehicular access where such access points are over 200 feet apart:
 - 1. A name plate or sign not exceeding one and one-half square feet in area for each dwelling.
 - 2. A temporary sign not exceeding eight square feet in area pertaining to the lease, rental, or sale of the property or the construction of a structure thereon.

3. A temporary sign not exceeding 32 square feet advertising a new subdivision.
4. A sign not exceeding 24 square feet in area identifying a nonresidential use such as the sale of farm produce, a golf course or a church.
5. A sign not exceeding 24 square feet directing vehicular traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find, subject to the provisions of requirements for conditional uses.
6. Signs not exceeding a total area of 50 square feet for each commercial establishment in a C-I or G-IND zone.

2.4.030 Off-street parking and off-street loading requirements.

At the time a new structure is erected or the use of an existing structure is changed or enlarged, off street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established.

If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this section.

A. Unlisted uses. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.

B. Shared parking. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

Owners of two or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases, or contracts to establish joint use.

C. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building.

D. Parking as storage. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.

E. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and be drained so as to avoid flow of water across public sidewalks.

F. Screening. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obscuring fence of not less than five and not more than six feet in height except where vision clearance is required.

G. Other parking. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rails at least four inches high and set back a minimum of four and one-half feet from the

property line. The area between the curb or bumper rail and property line shall be landscaped and maintained.

- H. Artificial lighting** which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- I. Access to and from off-street parking areas** shall not permit backing onto a public street, except for single-family dwellings.
- J. Passenger Loading.** A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- K. Loading of Merchandise, Materials, or Supplies.** Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this section may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- L. Off-street parking space requirements:**
 - 1.
 - a. Dwelling, single-family, including a manufactured home: two spaces for each dwelling unit.
 - b. Dwelling, multifamily: one space for each dwelling unit, and one space for guests for every two units.
 - 2. Boarding, lodging or rooming house: one space for each guest accommodation.
 - 3. Motel or hotel: one space for each guest accommodation.
 - 4. Hospital, nursing home or similar institution: one space for each three beds.
 - 5. Church, club, or similar place of assembly: one space for each six seats, or one space for each 50 square feet of floor area used for assembly.
 - 6. Library: one space for each 400 square feet of floor area plus one space for each two employees.
 - 7. Industrial uses: one space for every two employees.
 - 8. Retail establishment, except as otherwise specified: one space for each 300 square feet of floor area.
 - 9. Eating and drinking establishments: one space for each three seats.
 - 10. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each 600 square feet of floor area.
 - 11. Bank, office, medical and dental clinic: one space for each 400 square feet of floor space plus one space for each two employees.
 - 12. Barber and beauty shops, pharmacies: one space for each 150 square feet of floor area.

- I 3. Residential home: two off-street parking spaces per unit.
- I 4. Residential facility: one space per employee, including owner(s), on the largest shift, plus resident and visitor parking as determined by the planning commission.

N. Bicycle parking shall be provided for new multi-family residential developments of four units or more, new retail, office and institutional developments. Bicycle parking shall meet the following standards:

- 1. Bicycle parking for commercial business customers shall be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six bicycles.
- 2. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at the main building entrance.
- 3. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

2.4.040 Distance between buildings.

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

2.4.050 Distance from property line.

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

2.4.060 Storage in front yard.

Boats, trailers, mobile homes, and recreational vehicles shall not be stored in a required front yard.

2.4.070 Standard conditions for bed and breakfast home stays,

A. Where authorized by this title, requests for a conditional use permit in order to operate a bed and breakfast home stay shall be processed by the requirements under Chapter 4.2.

B. To be included with a letter of application for a conditional use permit is the following:

- 1. All residences used as a bed and breakfast facility with more than two guest rooms shall be inspected by the environmental health division of the Douglas County health and social services department. Written documentation from the environmental health division stating that the premises comply with the requirements of the state shall accompany the permit. The cost of any inspections by the environmental health division shall be borne by the property owner or the applicant.
- 2. All residences used as a bed and breakfast home stay shall be inspected and approved by the chief of the fire district. Proof of the fire chief's approval shall accompany the conditional use permit application. Only rooms designated as sleeping rooms shall be used for guest rooms.

Each guest room shall be protected by a smoke detector as required by state code. Any costs associated with this inspection shall be borne by the property owner or applicant.

3. Proof of ownership shall be submitted with the application for the bed and breakfast.
- C. A bed and breakfast home stay shall maintain an up-to-date guest registration.
- D. Guest parking for the bed and breakfast shall be provided by the owners of the facility. Each bed and breakfast home stay shall be required to provide one parking space per guest room. The applicant must indicate on the plot plan the proposed location of guest parking. On-street parking may be used to satisfy the guest parking requirements, but if on-street parking is used, the applicant must receive specific approval by the planning commission.
- E. Length of stay for any guest shall be a maximum of 14 consecutive days.
- F. In the residential districts where bed and breakfast home stays are allowed, no bed and breakfast home stays shall operate within a distance of 400 feet of each other. This would include, for example, a 400-foot separation from an existing bed and breakfast facility in the C-1 zone. The 400-foot separation is to be measured from property lines.
- G. Signing shall be limited to one sign not exceeding two square feet in area. No signs shall have internal lighting.
- H. Bed and breakfast home stays shall be kept clean, in good repair, and maintained so as to protect the health, safety, and well-being of persons using those facilities.
- I. Transfer of ownership shall be subject to issuance of a separate conditional use permit.
- J. For structures designated as historic, any external modifications shall be fully compatible with the original design.
- K. In terms of eligibility and acceptability, preference will be given by the planning commission to residences applying for bed and breakfast accommodations which display significant architecture and historic character and quality.
- L. Bed and breakfast home stays shall be required to pay commercial rates for sewer service to their operations. Those rates for bed and breakfast facilities shall be as set out in Yoncalla Municipal Code.
- M. The definition of "home occupation," in Chapter 5.1, which restricts home occupations to not over 20 percent of the total floor area of the main floor of a dwelling, does not apply to bed and breakfast home stays.
- N. If an approved facility does not exercise its permitted use within one year of the approval date or if the use lapses for over a one-year period, the approval will automatically expire and a new application will be required.
- O. All applicable sections of the Oregon Health Division Rules, Division 170, Bed and Breakfast Facilities, as set out in OAR 333-170- 000 through 333-170-130, shall apply to all bed and breakfast facilities.
- P. No further permit or inspection will be required subject to the yearly review; however, if a bed and breakfast facility fails to comply with the standards of this section, upon hearing before the planning commission, the planning commission will have the right to revoke said permit. No revocation will

be issued by the planning commission without giving the bed and breakfast operator violating this section at least a 20-day notice of said hearing and the right to be heard.

- Q.** The applicant shall submit a plot plan with the application. The plot plan shall include the following:
1. Dimensions of the lot, location of buildings/ structures on the lot, and setbacks.
 2. Location and design of off-street parking and screening.
 3. Location of driveway access.

2.4.080 Temporary medical hardship dwellings.

A. Temporary use of a dwelling that otherwise would not be permitted may be allowed when a patient suffers from a medical infirmity requiring daily care and is incapable of maintaining a residence on their own. Approval of the temporary use may be issued when the following requirements have been met:

1. Written consent of the property owner for the temporary use;
2. A written description of the nature and circumstances of the hardship, and reasons why it is necessary;
3. A letter from a physician documenting the hardship and need for care;
4. The names and relationships of the persons subject to the care and the residents;
5. A site plan showing the location of the existing buildings and the proposed hardship dwelling, showing that the new dwelling will comply with yard and setback requirements and provide at least one additional on-site parking space;
6. A plan for providing utility services to the new dwelling must be provided and approved by public works; and
7. The new dwelling shall not be located in the front yard.

B. Temporary hardships must be renewed annually by submitting a new letter from a physician documenting the continued need for care. The temporary use shall otherwise terminate 30 days from the time that the hardship condition is no longer present.

2.4.090 Manufactured Home Parks

A. Manufactured home parks.

A manufactured home park may only be located within zoning district (R-1) as a conditional use. All manufactured home parks permitted under the provisions of this chapter shall comply with rules and regulations of the State of Oregon Department of Commerce, Manufactured Home Division, in addition to the review procedures and standards of development set forth in this chapter. After the final plan is reviewed and formally approved as specified therein, it shall be designated as the "approved plan." In the case of conflict in regulations with this chapter, the provisions of this section shall govern.

B. Application and plan check fee.

Applications for a manufactured home park shall be made by the owner of the affected property or his authorized agent and shall be filed on forms as provided at least 30 days prior to the planning commission meeting at which consideration is desired. The application shall be accompanied by the following:

1. **Plan Check Fee.** In addition to any other fees or charges that may be applicable to a manufactured home park, a plan check fee, as established by the City of Yoncalla land use fee schedule, shall be submitted with the preliminary plan.
2. **Written Statement.** A written statement shall be filed with the preliminary plan containing an explanation of:
 - a. Number of housing units proposed (density);
 - b. The method proposed to maintain common open areas, private streets, buildings and other facilities, proposed operation and management agreements, etc.;
 - c. The proposed time schedule of the development; and
 - d. Any other supporting data describing the character and/or operation of the proposed manufactured home park.
3. **Site Plan.** Submit two sets of plans and accompanying documents. All plot plans shall be appropriately identified as a preliminary plan or final plan and shall be drawn at a scale of one inch equals 50 feet or, for areas over 100 acres, one inch equals 100 feet, or as otherwise approved by the city engineer. The site plan shall contain any applicable information as described in Section 2.4.090 and shall clearly identify the location of each of the following:
 - a. Property lines, boundary setbacks and both existing and proposed layout (when construction involves an addition to or remodeling of an existing manufactured home park, the plot plan need only show the facilities related to the addition and the facilities to be remodeled);
 - b. Boundaries of each proposed manufactured home space, with each space identified by a number, letter or name;
 - c. Location of all utility connections serving each manufactured home space or park facility;
 - d. Location and size of all water and sewer lines, location of power lines and other underground utilities;
 - e. Locations of all internal access roads and the relationship with outside streets. Indicate road widths and location of sidewalks

- f. Location of fixtures for lighting streets and walkways;
 - g. Location of fire and irrigation hydrants;
 - h. Location of all park buildings, storage areas, play areas, recreation areas and common open space. Indicate dimensions in square feet of all required facilities;
 - i. Location of patio and manufactured home standards at each home space, indicating size and materials; and
 - j. Indicate the location and total number of parking spaces provided, including spaces located in storage yards for recreational equipment. Dimensions of a typical parking space shall be shown for each parking area location.
4. Landscaping Plan. The preliminary plan shall include a conceptual layout indicating the location of all required landscaping. The final plan shall provide a detailed landscaping plan indicating location and type of plant materials, location of irrigation system and maintenance provisions.
5. Approved Plan. Upon final approval of the manufactured home park, one print and one Mylar of the approved final plan shall be submitted to the city along with one copy each of recorded deed restrictions, management agreements and other finalized legal documents.

C. Approval procedure.

No construction, grading or filling shall begin and no building permit shall be issued for construction, enlargement, or alteration of any manufactured home park until final approval is granted as stated herein. There shall be a two-stage review process for each manufactured home park development proposal as follows:

1. Stage 1 - Preliminary Approval.

- a. In conjunction with any other related land use action, including zone change, variance or conditional use permit approval, the planning commission shall conduct a public hearing to review the manufactured home park preliminary plans. The planning commission will act on the preliminary plans.
- b. Upon preliminary approval by the planning commission, city engineers will review the plans and make any recommendations they see fit to ensure conformity to the standards contained in this chapter.
- c. An appeal of the planning commission's decision may be made to the city council. The city council will hold a public hearing to review the evidence supporting the planning commission's decision and either move to uphold the decision or make recommendations and send back to the planning commission for re-review. The commission shall be authorized to grant final approval.

2. Stage 2 - Final Approval. Within one year after approval of the preliminary plan, the applicant shall file a final plan for the entire development. If submission in phases has been authorized, the final plan will be approved in phases. The final plan shall be sufficiently detailed to indicate fully the ultimate appearance of the manufactured home park. Copies of legal documents required for deed restrictions, management agreements, etc., shall also be submitted. Upon receipt of the final plan, the planning commission shall examine such plans and documents to determine whether they conform in all substantial respects to the previously approved preliminary plan and the stipulations of any other related land use actions. If the planning commission should require any changes, the commission shall permit the applicant to revise the

plan *and/or* documents and resubmit the final plan within 60 days. The decision of the planning commission shall be final. Final approval, either for a phase or for the entire plan, shall be valid for a 12-month period; however, the planning commission, in its discretion, may extend approval for additional six -month periods, provided written request from the applicant is submitted prior to the expiration date.

D. Outline development plan (optional).

The manufactured home park application may be filed on the basis of an outline plan or the developer may omit this step and file his application based on the detailed preliminary plan. The purpose of an outline plan is to demonstrate the intent of the developer at an early stage of the plan with a minimum of design costs.

E. Phased development.

When an applicant desires to develop an approved preliminary plan in phases, the commission may authorize a time schedule for submitting the various phases for final approval in periods of time in excess of one year but in no case shall the total time period for submitting all phases be greater than five years without resubmission of the preliminary plan. Phases submitted for final approval after the passage of one year may be required to have modifications to avoid conflict with a change in the comprehensive plan or implementing regulations.

F. Limitation on resubmission.

Whenever an application for a manufactured home park has been denied, no application for the same plan or any portion thereof shall be heard by the planning commission within one year after the date of denial.

G. Financial responsibility.

As a condition to granting final approval, the submission of satisfactory evidence that all improvements within the manufactured home park will be placed may be required. That could be either a performance agreement or a bond that provides the means for the city to develop the property in the event the developer does not, if the city so chooses.

H. Adherence to approved plan and modification thereof.

The applicant shall agree in writing to be bound, for them and their successors, in interest, by the conditions prescribed for final approval. The approved final plan and phased development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved plan may be authorized by the city administrator if such changes are consistent with the purpose and general character of the approved plan. All other modifications, including extension or revisions of the phased development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedure requirements.

I. General conditions and limitations.

1. **Area.** A manufactured home park shall embrace an area of not less than five acres of land.
2. **Density.** In no event shall the density exceed 10 manufactured homes per gross acre.
3. **Yard Regulations.** Each manufactured home park shall contain yard areas (setbacks) which shall be measured parallel to and at right angles from the front, side and rear property lines. The front and rear building setback lines shall extend the full width of the property. No building, structure or manufactured home shall be located so that any part extends into the area between the building setback line and the property line. Fences and signs may be placed within the yard areas as an exception to this subsection. Yards shall be established as follows:

- a. Manufactured home parks shall have a setback of at least 25 feet from an interior property line abutting residentially zoned property;
 - b. Manufactured home parks shall have a setback of at least 15 feet from any interior property line abutting commercially or industrially zoned property; and
 - c. Manufactured home parks shall have a setback of at least 20 feet from any abutting street right-of-way.
4. **Development of Boundaries.** An ornamental, sight-obscuring fence or wall of not less than four feet not more than six feet in height *and/or* evergreen planting of not less than five feet in height at planting shall surround the manufactured home park. If the option of plant materials is chosen in lieu of a fence or wall, such planting shall be maintained at the required height and replaced if diseased. The fence or plant screening may be placed up to the property line if adequate vision clearance for entrances and exits is maintained. If the fence or plant screening is not placed on the property line, the undeveloped areas between the screening and curb or sidewalk shall be provided with a ground cover composed of plant materials or a combination of plant materials and bark mulch, rock or other non-planted landscaping material.
 5. **Regulating Standards.** Rules establishing minimum safety for the design, construction, sanitation, operating, licensing and maintenance of manufactured home parks are contained in ORS chapter 446. The Department of Commerce shall review plans and inspect construction of manufactured home parks to ensure compliance.
 6. **Building and Structures.** All buildings and structures within the manufactured home park boundaries shall comply with the pertinent building code and manufactured homes must meet state and county requirements and the requirements of the Yoncalla ordinances and regulations.
- J. Manufactured Home Park Design and Construction Standards.**
See Manufacture Home Park Design and Construction Design Standards at Sections 3.3.180 and 3.3.190.

2.4.100 Multifamily Development

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

B. Applicability. This applies to new multifamily developments.

C. Standards.

1. **Common Open Space and Landscaping.** A minimum of 15 percent of the site area in the R districts and ten percent of the site area in the Commercial district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. "Site area" for the purposes of this Section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way;
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than twenty feet;
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the City of Yoncalla may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
2. **Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing of at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.
3. **Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 2.3 and 3.3 shall be met.
4. **Trash Storage.** Trash receptacles, recycling and storage facilities shall be oriented away from building entrances, setback at least ten feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

2.4.110 Dwellings in Commercial Zones

- A. Purpose.** This section provides standards for residential uses in the C-I zone.
- B. Applicability.** This section applies to dwellings in the C-I zone.
- C. Standards.** Residential uses in the C-I zone shall conform to all of the following standards:
 - 1. New residential uses shall not be located in a ground building floor space fronting Eagle Valley Road between 1st Street and 4th Street and fronting Main Street between Eagle Valley Road and Birch Street.
 - 2. Single-family dwellings lawfully existing as of July, 2018 may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant with Chapter 1.3, 3.1 and applicable building codes.

2.4.120 Residential Care Homes and Residential Care Facilities

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Note: Residential Care Facilities are not the same as an Acute Care Facilities, which are classified as Community Service uses; and they are not the same as Senior Housing facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with State requirements, pursuant with ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.
- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment and/or training, for between six and fifteen individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.
- D. Access.** The access and circulation standards outlined in Chapter 3.3 shall be met.
- E. Parking.** The parking standards of Section 2.4.030 shall be met.

- F. Landscaping.** The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant with Chapter 3.1 and Section 2.4.100; except where a State requirement conflicts with a city standard, the State requirement, not the city standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040

2.4.130 Manufactured Home on a Single-Family Lot

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of Yoncalla shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to July, 2018. (See also, Sections 2.4.090 and 3.3.180 &190 regarding Manufactured Home Parks).

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each twelve feet in width (14 degrees);
- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- D. Garages and Carports.** The manufactured home shall have a carport or garage that shall be at least 14 feet by 20 feet in area, constructed of similar materials as those used on the exterior of the manufactured home.
- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code (ORS 455.010.) Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement;

- F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. a. The portion of the lot on which the manufactured home is to be located shall not exceed a slope of 10 percent prior to excavation or fill on the parcel.
- G. Drains** shall be provided around all concrete or masonry footings enclosing habitable or usable spaces located below grade. Drainage materials and systems shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system per applicable building standards.
- H. Manufactured housing** will be disallowed within the Historic Special District.
- I.** The manufactured home shall conform in all respects to any applicable city, county, state and/or federal regulation in force at the time of installation.
- J. Floodplain.** Manufactured homes shall comply with the following standards.
1. The stand shall be a minimum of twelve inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. (*Manufactured Dwelling Specialty Code, 4-3.1(5)*)
 2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of twelve inches above BFE. (*See definition of Lowest Floor in Manufactured Dwelling Specialty Code.*)
 3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques). (*44 Code of Federal Regulations 60.3(c)(6)*)
 4. Electrical crossover connections shall be a minimum of twelve inches above BFE. (*Manufactured Dwelling Specialty Code 6-4.2(1)*)
- K. Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

2.4.140 Temporary Uses

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Seasonal or Special Event based on the following criteria being met:

1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The use occurs only once in a calendar year and for not longer than 30 consecutive days;
3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
5. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant with Section 3.3.140 Access and Circulation ;
6. The use does not conflict (i.e., create a nonconformity) with the other provisions of Chapter 2.3 Special Use Standards;
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Section 2.4.030;
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.3 Public Facilities;
9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
10. The use is adequately served by sewer or septic system and water, as applicable; and
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria being met:

1. Temporary sales office: The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose; and
 - c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.
2. Model house: The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
 - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated;
 - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements; and
 - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant with Section 4.1.030, the City shall approve, approve with conditions or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
3. The lot development standards of Chapters 2.2 and 2.3 are met;
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant with Section 3.3.140 Access and Circulation;

2.4 – Special Use Standards

5. The use does not conflict (i.e., create a nonconformity) with the provisions of Section 2.4.060;
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Section 2.4.030;
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.3 Public Facilities;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
9. The use is adequately served by sewer or septic system and water, as applicable;
10. The structure complies with applicable building codes;
11. Except where specifically authorized by the Yoncalla City Council, the length of time that the temporary structure may remain on a site shall not exceed six consecutive months or a total of six months in any one calendar year;
12. The applicant shall be responsible for maintaining all required licenses and permits; and
13. The City of Yoncalla may require installation of a water meter and may require other improvements, pursuant with Chapter 3.3 Public Facilities, as necessary, to protect public health, safety, or welfare.

2.4.150 Accessory Dwellings

Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant with Section 4.1.030, and shall conform to all of the following standards:

A. General Standards for Attached Accessory Dwelling Units.

1. **Creation.** An ADU may be created through new construction or conversion of, or addition to, an existing structure (including legal non-conforming structures).
2. **Size.** The total square footage of an ADU shall not exceed 1,200 square feet. Total square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
3. **Building Height/Interior Setback.**
 - a. For ADUs located in the Single Family Residential (R-1) zone building heights, and setbacks shall conform to the standards set forth in Section 2.3.010.
 - b. For ADUs in located In the Medium Density Residential (R-2) zone, building heights and setbacks shall conform to the standards set forth in Section 2.3.020.
4. **Maximum Bedrooms.** The ADU shall contain no more than 2 bedrooms.
5. **Owner/Occupancy Requirements.** Either the primary dwelling or the ADU shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Douglas County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Prior to issuance of a building permit for an ADU, the property owner must provide the City with a copy of the property deed to verify ownership, and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and ADU are constructed at the same time, such documentation must be provided prior to final occupancy.
6. **Temporary Leave.** A property owner may temporarily vacate the principal residence up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the City proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted at the discretion of the City.

B. General Standards for Detached ADUs. In addition to the standards in this Section and Article 3, detached ADUs shall comply with the following:

1. **Building Size.** Up to 300 square feet of un-heated garage or storage space attached to the ADU is allowed and is not counted in the allowable total building square footage.
2. **Pedestrian Access.** A pedestrian walkway shall be provided from the street or alley to the primary entrance of the ADU. The pedestrian walkway shall be a hard surface (concrete, asphalt, gravel or pavers).
3. **Outdoor Storage/Trash.** Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall and 100 percent site obscuring fence or enclosure on at least three sides.

2.4.160 Cottage Housing

A. Cottage Housing Development and Design Standards

I. Table 4(2)(a) Development Standards:

| | |
|-----------------------|---|
| Cottage Size | <p>The gross floor area of each cottage shall not exceed 1,200 square feet.</p> <p>At least 50% of the cottages in each cluster shall have a gross floor area less than 1,200 square feet.</p> <p>“Gross floor area” does not include: a) interior space with a ceiling height of six feet or less; b) basements, c) architectural projections, such as bay windows, fireplaces, or utility closets, that are less than 24 inches deep and six feet wide, d) attached, unenclosed porches, and e) garages or carports.</p> <p>The footprint may not exceed 1,000 square feet.</p> |
| Density | <p>Cottages may be built at up to twice the allowed density for single family detached residences in the underlying zone</p> <p>A cluster shall consist of no more than ten and no fewer than four units.</p> |
| Setbacks | <p>The minimum setback for any structure shall be 10 feet from any public right-of-way or other structure.</p> <p>Cottages shall be no more than 30 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space.</p> <p>Distance between structures shall be a minimum of five feet.</p> |
| Maximum Height | 25 feet |
| Lot Coverage | Max. for all structures in cottage development shall not exceed 60% |

2. Design Standards

a. Orientation of Dwelling Units. Dwellings within a cottage housing development shall be clustered and homes within the clusters shall be oriented to promote a sense of community within the development.

(i) Each cottage shall have a primary entry oriented to a common open space.

(ii) ADUs are not allowed as part of a cottage housing development.

b. Off-Street Parking Requirements

(i) One off-street parking space shall be required for each cottage.

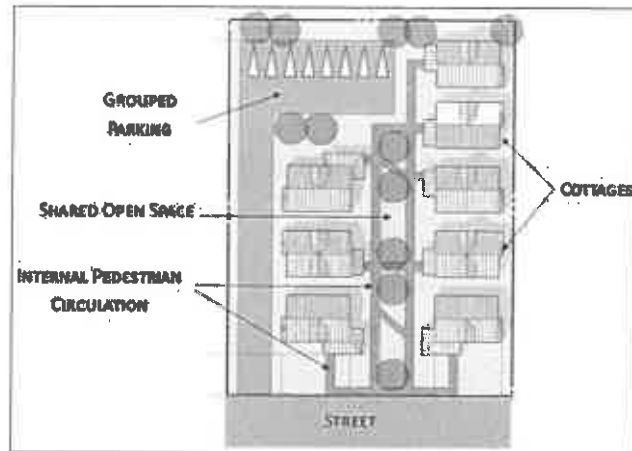
(ii) One additional guest parking space shall be provided for every three cottages, rounded up to the next whole number.

2.4 – Special Use Standards

- (iii) The off-street parking requirements may be waived or reduced if sufficient on-street parking is available within 800 feet of the property.

c. Parking Design

- (i) Parking shall be separated from the common area and public streets by landscaping and/or architectural screening. See image below for visual representation of grouped parking. Image not intended to be actual construction of cottage housing units.



- (ii) Parking areas shall be accessed only by a private driveway or public alley.
- (iii) Design of carports and garages, if provided, – including roof lines-- shall be similar to and compatible with that of the cottages.
- (iv) Parking areas shall be limited to no more than five contiguous spaces.

d. Walkways

- (i) A system of interior walkways shall connect each cottage to at least one other cottage and to the parking area.

e. Community Assets

- (i) **Common Open Space.** Each cluster of cottages shall have at least 200 square feet of open space per cottage, with a common open space provided in one contiguous, useable space.
- (ii) **Community Building.** Single-story community buildings, limited to 1, 200 square feet, are permitted, so long as they are clearly incidental in use to the dwelling units. A community building converted from an existing building may be larger than 1,200 feet.

ARTICLE 3: COMMUNITY DESIGN STANDARDS AND PUBLIC FACILITIES

Chapters:

- 3.1 Design Standards Administration
- 3.2 Design Standards
- 3.3 Public Facilities

Chapter 3.1 — Design Standards and Public Facilities Administration

Sections:

- 3.1.010 Purpose
- 3.1.020 Applicability
- 3.1.030 Principles of Acceptability

3.1.010 Purpose

The purpose of the standards contained in this Article are intended to protect the public health, safety and welfare and to preserve and enhance the historic character of the City as a whole, including its harmony of design, materials, pattern and pedestrian scale.

3.1.020 Applicability

The provisions of Article 3 apply to permits and approvals granted under this Code, and other City actions, as noted throughout the Code.

3.1.030 Principles of Acceptability

A land division, whether by a subdivision or partitioning, shall conform to any site plans; shall take into consideration any preliminary plans, including the build-out concept plan, made in anticipation thereof; and shall conform to the design standards established by this Code.

Chapter 3.2 — Design Standards

Sections:

- 3.2.010 General Layout
- 3.2.020 Streets
- 3.2.030 Alleys
- 3.2.040 Blocks
- 3.2.050 Lots
- 3.2.060 Drainage
- 3.2.070 Railroads
- 3.2.080 Partial development
- 3.2.090 Possible hazard areas

3.2.010 General Layout.

A plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this chapter.

3.2.020 Streets.

All subdivisions shall conform to all the following access and circulation design standards, as applicable:

A. Street Connectivity.

1. **Connectivity to Abutting Lands.** The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
2. **When Abutting an Arterial Street.** Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.3.140. If vehicle access off a secondary street is possible, then the Planning Commission may prohibit access to the arterial.
3. **Continuation of Streets.** Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection 4, below, are the preferred means of discouraging through traffic.

4. **Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the block length standards provided in Section C below.

B. Dedication.

1. **Generally.** All lots must have direct legal access as required by the zoning code. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis. The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the subdivider of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subdivision area in accordance with the purpose of this title.
2. **Future Street Plan.** A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development

C. Width and Design

1. **Generally.** Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except as follows:
 - a. That for a street abutting land not in the subdivision area a lesser width may be allowed at the discretion of the planning commission where the subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.
 - b. The Planning Commission may grant a modification to the nature or extent of any required improvement for any of the following reasons:
 - (i) If the improvement as required would not match the existing improvements, in which case the improvements may be modified to allow for a transition to the required improvement standard.
 - (ii) If unusual topographic or physical conditions preclude the construction of the improvements as required.
 - (iii) If the proposed improvement utilizes a natural drainage system composed of planted swales adjacent to sidewalk or roadway pavement to capture, store and treat stormwater, in lieu of traditional stormwater conveyance pipes.
 - (iv) If other unusual circumstances preclude the construction of the improvements as required.
 - (v) If the City and a neighborhood has agreed upon a modified standard for a particular street.

3.2 – Design Standards

2. **Existing Adjacent Street.** The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the subdivision area, and the subdivider shall dedicate additional right-of-way as determined by the planning commission in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.
3. **Slope Easements.** Slope easements shall be dedicated in accordance with specifications adopted by the city council under Section 3.3.010.
4. **Sidewalks, Planter Strips, Bicycle Lanes.** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards established in Chapter 3.3 of the Code, applicable provisions of Local Street Network Plan, and the Comprehensive Plan. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
5. **Traffic Calming Features.** The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
6. **Street Sections.** Streets shall be designed consistent with the street sections provided in Section 3.3.140(C)(6) of the Code.

| Type of Street | Right-of-Way Width | Paving Width |
|--|--------------------|-----------------|
| Arterials | 60 ft – 100 ft** | 36 ft – 48 ft** |
| <i>Collector streets and all business streets other than arterials or Main Street</i> | 57 ft – 63 ft** | 32 ft – 34 ft** |
| <i>Commercial Main Street</i> | 56 ft -78 ft | 36 ft -58 ft |
| Local streets | | |
| <i>Streets located within the Urban Residential zoning district which do not contain on-street parking.</i> | 42 ft – 48 ft | 20 ft |
| <i>Streets located within the Urban Residential zoning district that contain on-street parking on one-side</i> | 47 ft – 52 ft | 23 ft – 24 |
| <i>Local Access Streets serving zones other than Urban Residential</i> | 52 ft – 56 ft | 28 ft |
| <i>Circular ends of cul-de-sacs</i> | 80- 100 ft*** | 70-90 ft*** |
| <i>Hammerhead or T-ends of streets</i> | 35 ft T-end | 30 ft |

* Paving measured from face to face of curbs,

** The planning commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community, and in accordance with specifications adopted by the city council under Section 3.3.140 (C).

*** Measured by diameter of circle constituting circular end. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width.

D. Reserve Strips.

The planning commission may require the subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the city council and the planning commission, when the planning commission determines that a strip is necessary:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the table in this section; or
3. To prevent access to land abutting a street of the subdivision, but not within the tract or parcel of land being subdivided; or
4. To prevent access to land unsuitable for building development.

E. Intersections of Streets.

1. **Angles.** Streets shall intersect one another at an angle as near to a right angle as is practicable except where topography or previous adjacent layout requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:
 - a. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 - b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 - c. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.
2. **Jogs.** Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and shall be designed to meet the following standards:
 - a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than 300 feet on such streets are created, as measured from the centerline of the street.
 - b. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

F. Topography.

The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.

G. Future Extension of Streets.

Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the planning commission determines that such continuation is necessary to provide for the orderly subdivision of such adjacent land, or the transportation and access needs of the community. The point where the streets temporarily end shall conform to a-c, below:

1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
2. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
3. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length.

H. Cul-de-sacs.

There shall be no cul-de-sacs more than 400 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in this section, or the planning commission may approve for hillside conditions, hammerhead or T -end cul-de-sacs as provided for in the table in this section.

I. Street Names.

Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the planning commission. No new street name shall be used which will duplicate or be confused with the names of existing streets in Douglas County.

J. Street Signs and Traffic Control Devices.

The applicant shall install all street signs and traffic control devices in the location and manner established by the City Engineer.

K. Grades and Curves.

Unless otherwise approved by the planning commission because topographical conditions will not otherwise permit, the following standards shall apply to the design of new streets:

1. Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on all other streets (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet).
2. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collector streets or 100 feet on all other streets.
3. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five

percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

3.2.030 Alleys.

- A. Dedication.** The planning commission may require adequate and proper alleys to be dedicated to the public by the subdivide of such design and in such location as necessary to provide for the access needs of the subdivision area in accordance with the purpose of this title.
- B. Width.** Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the subdivision area a lesser width may be allowed in the discretion of the planning commission where the subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the city council under Section 3.3.010.
- C. Corner Cut-Offs.** Where two alleys intersect, 10-foot corner cut-offs shall be provided.
- D. Grades and Curves.** Unless otherwise approved by the planning commission where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall not be less than 100 feet.
- E. Requirements.** All provisions and requirements with respect to streets in Sections 3.3.040 and 3.3.140 shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

3.2.040 Blocks.

- A. Block Length.** Generally, blocks should not exceed five hundred feet in length. Blocks that are more than seven hundred fifty feet in length should allow for midblock pedestrian access pursuant to subsection 2 below.
- B. Pedestrian Ways.** When necessary for public convenience and safety, the planning commission may require the subdivider to dedicate to the public pedestrian ways up to 18 feet in width in any of the following instances:
 - 1. to connect to cul-de-sacs,
 - 2. to pass through oddly shaped or unusually long blocks; or
 - 3. to provide access to schools, parks or other public areas, or to a designated activity center of the City
 - 4. If a walkway is indicated as appropriate in the Transportation System Plan, the Comprehensive Plan, or adopted street plans; or
 - 5. Such design and location as reasonably required to facilitate pedestrian travel.

Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option.

- C. Easements for Utilities.** Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance, and dedication of easements for other public utilities, may be required of the subdivider by the planning commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this title. Easements for utility lines shall be not less than 14 feet in width; except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the planning commission where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required. Easements for access to sewer lines for maintenance shall be up to 15 feet in width.

3.2.050 Lots.

A. Size and Frontage.

I. General Requirements.

- a. **Width.** Each lot shall have an average width between the lot side lines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot sides of not less than 65 feet. Where either a public water supply or public sewer are not presently provided, the lot width shall be sufficient to meet state and city health requirements.
- b. **Depth.** Each lot shall have an average depth between the lot front line and lot rear line of not less than 80 feet and not more than two and one-half times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet unless a lesser depth is approved by the planning commission where necessitated by unusual topographical conditions. Where either a public water supply or public sewers are not presently provided, the lot depth shall be sufficient to meet state and city health requirements.
- c. **Area.** Each lot shall comprise a minimum of 6,600 square feet. Where either a public water supply or public sewers are not presently provided, the lot area shall be sufficient to meet state and city health requirements.
- d. **Access.** All lots must have legal access to a public street as required by the zoning code. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.
- e. **Street Frontage.** Each lot shall have frontage of not less than 25 feet upon a street, except that up to one lot can be created with no frontage upon a public street, provided that the standards for a vehicular access easement required by the zoning code are met. Where either a public water supply or public sewers are not presently provided, the lots' frontage shall be sufficient to ensure an adequately sized lot to meet state and city health requirements.

2. Exceptions.

- a. **Subdivision Area Development As a Unit (Planned Unit Development).** The planning commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the subdivider presents a plan satisfactory to the planning commission whereby the entire subdivision area will be designed and developed with provision for solar access and/or proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the subdivision area, and which the planning commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this title.
- b. **Land Zoned for Commercial or Industrial Use.** The planning commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial or industrial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this title.
- c. **Lot Retained for Future Subdivision.** The planning commission may in its discretion waive lot frontage requirements where in its judgment a lot should and will be retained by the subdivider, and future subdivision of such lot will be best protected by the creation of a reserve strip separating such lot from any street.

B. Key Lots and Butt Lots. There shall be no key lots or butt lots except where authorized by the planning commission where such lots are necessitated by unusual topographic conditions or previous adjacent layout.

C. Lot Side Lines. As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.

D. Suitability for Intended Use. All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision area or of such lot, as determined by the planning commission in accordance with the purpose of this title.

E. Future Subdivision of Lots. Where the subdivision will result in a lot one-half acre or larger in size which in the judgment of the planning commission is likely to be subdivided in the future, the planning commission may require that the location of lot lines and other details of layout be such that future subdivision may readily be made without violating the requirements of this title and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the planning commission deems it necessary for the purpose of this title.

3.2.060 Drainage.

Where land in the subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the planning commission may require

subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the planning commission as adequate for the drainage needs of the area, or, where necessary in the judgment of the planning commission for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the City of Yoncalla.

Such grading shall be done and such drainage facilities shall be constructed by the subdivider as are adequate for the purpose of proper drainage of the subdivision area of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision area and the benefit of the general public, in accordance with the specifications adopted by the city council under Section 3.3.010.

3.2.070 Railroads.

- A. Crossings.** Special requirements may be imposed by the planning commission, including but not limited to provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision area, for the protection of such residents and the safety of the general public and in accordance with the purpose of this title.
- B. Subdivision Area Adjacent to Right-of-Way.** Where the subdivision area is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

3.2.080 Partial development.

Where the subdivision area includes only part of the tract owned by the subdivider, the planning commission may require a sketch of a tentative layout of streets in the remainder of said tract.

3.2.090 Possible hazard areas.

Those areas proposed for development which have over 12 percent slope, possible water inundation, or appear to be unstable or marginal lands as determined by the city planning commission shall be subject to the following:

- A. Submission of a topographic study showing slopes in excess of 12 percent;**
- B. Submission of a geologic/soil engineering report verifying suitability of site for development. Engineered foundations requiring an engineer's stamp shall be required;**
- C. Submission of information to show flood water elevations. If an area is shown to be in a designated flood plain, the developer will be subject to the flood plain requirements as established by the Federal Flood Insurance Program and adopted by the Douglas County commissioners. The city planning commission shall determine, based on submission of any of the above information, the suitability of an area for development or subdivision and the necessary additional standards which may be required to ensure the health and safety of the public or those who would occupy such areas.**

Chapter 3.3 — Public Facilities

Sections:

- 3.3.010 Specifications
- 3.3.020 Water supply
- 3.3.030 Sewage
- 3.3.040 Streets and alleys
- 3.3.050 Sidewalks
- 3.3.060 Pedestrian ways
- 3.3.070 Underground utility and service facilities
- 3.3.080 Bikeways
- 3.3.090 Street lights
- 3.3.100 Fire hydrants
- 3.3.110 Street signs
- 3.3.120 Park and recreation needs
- 3.3.130 Street trees and landscaping
- 3.3.140 Access and circulation
- 3.3.150 Clear Vision Area
- 3.3.160 Maintenance of minimum requirements
- 3.3.170 Dual use of required open space
- 3.3.180 Manufactured home park design standards
- 3.3.190 Manufactured home construction standards
- 3.3.200 Performance Agreement

3.3.010 Specifications.

A. Submitting Specifications.

The common council shall cause to have prepared and shall adopt specifications for improvements, including the construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety and welfare needs of the City of Yoncalla area affected in accordance with the purpose of this title.

B. Procedure.

The procedure for preparing, submitting and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.

C. Adoption of Specifications.

Upon adoption by the common council of any such specifications and amendments thereto, as from time to time may be adopted by the city engineer, a copy thereof shall be filed with the city recorder and a copy shall be kept in the office of the city engineer and in the office of the planning commission for the use and information of the general public. The planning commission will publish city specifications and typical drawings for sale to the public.

3.3.020 Water supply.

All lots within the subdivision shall be served by the water supply system of the City of Yoncalla.

3.3.030 Sewage.

All lots within the subdivision area shall be served by the sewage system of the City of Yoncalla.

3.3.040 Streets and alleys.

The subdivider shall grade and pave all streets and alleys in the subdivision area to the width specified in Chapter 3.1 and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision area in accordance with specifications adopted by the city council under Section 3.3.010. Such improvements shall be constructed to specifications of the City of Yoncalla.

3.3.050 Sidewalks.

Sidewalks shall be located and constructed in accordance with the provisions of Section 3.3.140(C) and Ord. 223 (an ordinance regulating the construction, alteration and repair of sidewalks), applicable provisions of the Local Street Network Plan, and the Comprehensive Plan. Sidewalks shall include handicapped wheelchair ramps at all street intersections.

3.3.060 Pedestrian ways.

A walk strip not less than five feet in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the city council under Section 3.3.010.

3.3.070 Underground utility and service facilities.

All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities may be placed underground except surface mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed aboveground, temporary utility service facilities during construction, high-capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide all services.

3.3.080 Bikeways.

Bicycle lanes shall be located and constructed in accordance with the provisions of Section 3.3.010 applicable provisions of Local Street Network Plan, and the Comprehensive Plan. Bikeways may be built in conjunction with sidewalks and pedestrian ways.

3.3.090 Street lights.

Developer is to install street lights in a pattern fitting the subdivision and according to the specifications of the City of Yoncalla.

3.3.100 Fire hydrants.

Developer is to install suitable fire hydrants meeting City of Yoncalla specifications to serve fire flow requirements of the subdivision.

3.3.110 Street signs.

Developer is to install standard street, traffic and regulatory signs and posts according to the specifications of the City of Yoncalla Section 3.3.200 Performance agreement. The planning commission shall consider for approval the final plat or finished plat; provided, that at the time of submission of such plat or finished plat a petition for improvements as required herein has been properly executed by the subdivider who is effecting the subdivision and will be assessed for said improvements. Other procedures may be used in accordance with city standards and specifications.

3.3.120 Park and recreation needs.

All subdivisions over 30 acres in area shall consider one lot, centrally located within the subdivision, for dedication to park and recreation uses.

3.3.130 Street trees and landscape strip.

Developer is required to install street trees within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells. Trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.

3.3.140 Access and circulation

The purpose of this section is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Subsection A provides vehicular access and circulation. Subsection B provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Subsection C.

A. Vehicular Access and Circulation

1. **Intent and Purpose.** The Intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Yoncalla, and to all properties that abut these roadways or are served by access easements providing access to public streets. This Section implements the access management policies of the City of Yoncalla's Comprehensive Plan.
2. **Applicability.** This Section applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Building Permit, Land Use Review or Site Design Review. .
3. **Traffic Study Requirements.** The application shall describe the proposed access to and from the site and estimate potential vehicle traffic increases resulting from the project (per the ITE

manual). The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements.

4. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a development permit, to ensure the safe and efficient operation of the street and highway system.
5. Vehicular Access Easement or Tract Standards.
 - a. When Allowed. All new development shall have frontage abutting a public street, except as follows:
 - (i) A temporary access easement may be allowed for one additional new lot or parcel of a temporary basis, subject to conditions imposed by the City.
 - (ii) A permanent access easement shall be allowed for one additional new lot or parcel when it can be shown that it is not possible to provide the required frontage on a street because of physical or other limitations that preclude street development.
 - (iii) In all other cases, a dedicated and improved public right-of-way is required. See Subsection C for the required improvements.
 - b. Roadway Widths. For vehicular access easements or tracts, minimum standards for widths are established as follows:
 - (i) When no Fire Department access road is required, the following standards shall be required:
 - a) The minimum standard for an access easement serving a single family residence is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract; for easements or tracts less than 100 feet in length, the City Engineer may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide easement or tract if the easement or tract and abutting driveways are located to allow for safe ingress and egress.
 - b) For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot-wide easement or tract.
 - (ii) Otherwise, the access easement roadway shall comply with the Fire Access provisions in subsection j below.
 - (iii) Roadway Standards. The paved surface in an easement or tract shall have a minimum of two inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four inches of crushed rock or three inches of asphalt-treated base. The City Engineer is authorized to modify the standards for a paved surface on a case-by-case basis.
6. Corner and Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

- a. New property access shall not be permitted within 50 feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only), as determined by the City Engineer;
 - b. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings;
7. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Subsection B below.
8. Joint Access – Requirement. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:
- a. For shared parking areas;
 - b. For adjacent developments, where access onto an arterial is limited;
 - c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - (i) A maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;
 - (ii) Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;
 - (iii) Property owners shall record an easement with the deed allowing access to and from other properties served by the joint-use driveways or service drive. The easement shall define maintenance responsibilities of property owners.
9. Access Connections and Driveway Design. All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:
- a. Driveway Width.
 - (i) Driveways for uses other than single-family residences shall meet the following standards:

- a) One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.
- b) For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 11 feet.
- (ii) Driveway width for single family residences shall be a maximum of 20 feet in width, unless otherwise approved by the City Engineer.
- b. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Development shall comply with the clear vision areas established in Section 3.3.150.
- c. **Driveway Construction.** Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure A. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.

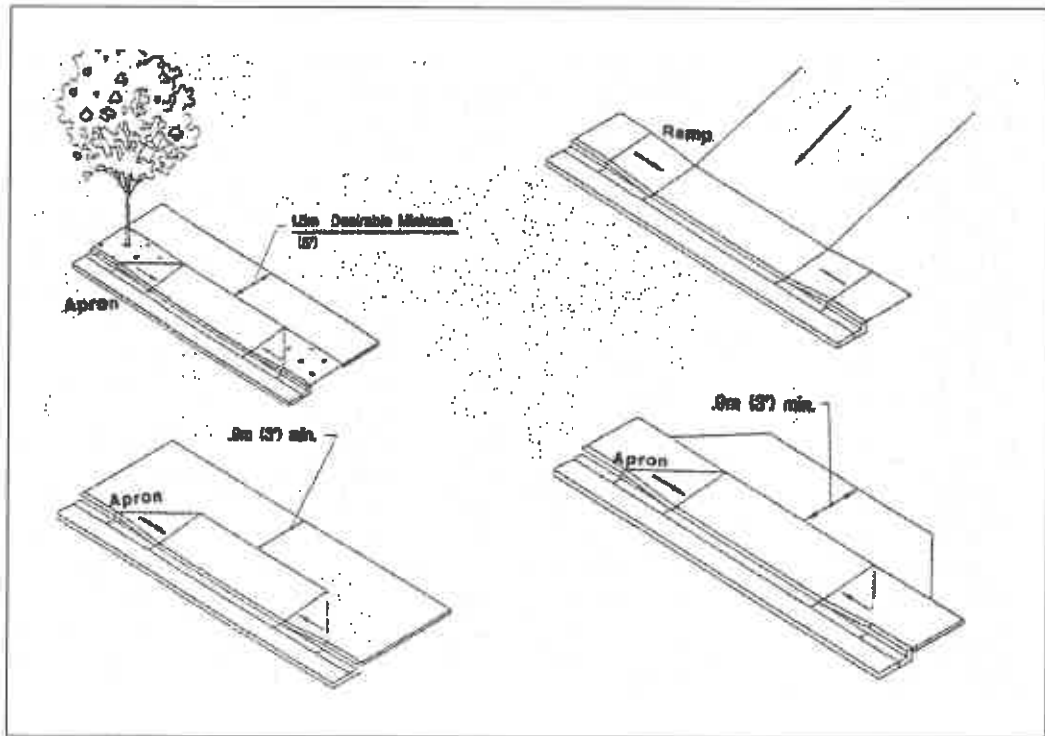


Figure A Examples of Acceptable Driveway Openings Next to Sidewalks/Walkways

- 10. **Fire Access and Turnarounds.** When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire

equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (14-20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.2.020 (C).

11. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet, 6 inches for their entire length and width.
12. **Construction.** The following development and maintenance standards shall apply to all driveways, access easements, and private streets, except that the standards do not apply to driveways serving one single family residence:
 - a. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the City Engineer.
 - b. **Surface Water Management.** Drainage from all driveways, parking areas, aisles, and turnarounds shall collected and treated in accordance with the Yoncalla Municipal Code
 - c. **Driveway Aprons.** When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See Figure A above.)

B. Pedestrian Ways

1. **General** – Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the City. Providing pedestrian access from buildings to abutting rights-of-way, walkways and other uses on the subject property, and connections between properties help meet the objectives of non-motorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, reduces traffic congestion and promotes non-motorized travel options and provides health benefits.
 - a. The applicant shall comply with the following pedestrian access requirements with new development, except for one single family residence:
 - (i) Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings and the abutting right-of-way or pedestrian walkway.
 - (ii) Provide pedestrian walkways between the primary entrances to all businesses, uses, and/or buildings on the subject property.
 - (iii) Provide pedestrian walkways that connect all on-site parking areas, storage areas, recreational facilities and common areas.
 - (iv) Provide pedestrian walkways to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable.

(v) Provide pedestrian walkways connecting to adjacent properties. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.

(vi) All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location.

(vii) Development Standards Required for Pedestrian Ways

a) The applicant shall install pedestrian walkways pursuant to the following standards:

- Must be at least five feet wide;
- Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
- Must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20 feet above the ground;
- Must be centrally located on the subject property;
- Must be accessible;
- Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
- Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy

2. **Pedestrian Ways** – In addition to the pedestrian walkways required in subsection a, the City may require the applicant to install additional public pedestrian walkways on the subject property in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

- a. To connect to cul-de-sacs;
- b. To pass through oddly shaped or unusually long blocks; or
- c. To provide access to schools, parks or other public areas, or to a designated activity center of the city;
- d. If a walkway is indicated as appropriate in the Transportation System Plan, the Comprehensive Plan, or adopted street plans; or
- e. Such design and location as reasonably required to facilitate pedestrian travel.
- f. **Standards – General** – The applicant shall install public pedestrian walkways pursuant to the following standards:

- (i) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
- (ii) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be no greater than 18 feet, as determined by the City Engineer;
- (iii) The height of solid (blocking visibility) fences along pedestrian walkway that is not directly adjacent to a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the City;
- (iv) All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way;
- (v) The alignment of walkways shall consider the location of proposed and existing buildings (preferably along building fronts or property lines).

C. Public Improvements

1. **Purpose.** The purpose of this Section is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Section is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, and bicycling.
2. **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Section. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Section. The applicant shall comply with the provisions of this Section if the applicant is granted a development permit unless:
 - a. The applicant is proposing an addition to or replacement of an existing structure and the cost of the street improvements along the property frontage is greater than 20 percent of the cumulative building alterations according to the following:
 - (i) Street improvement costs shall include, but not be limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.
 - (ii) For properties with multiple street frontages, the average length of the combined multiple street frontages will be used for the purposes of determining whether street improvements are required. If street improvements are required, the cost of the improvements along any of the multiple street frontages shall not exceed 20 percent of the cumulative building alterations.
 - (iii) Street improvement costs shall be evaluated by the City Engineer and shall include engineering and administration costs.
 - (iv) Building alteration costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO).

Any valuations not specified in that publication will be determined by the Building Official. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc., will not be included in the valuation.

- b. The applicant or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision, partition or other development permit approved within four years prior to the present development permit application.
3. Engineering Design Criteria, Standard Specifications and Details. The design criteria, standard construction specifications and details maintained by the City Engineer, or any other road authority with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this code by reference.
 4. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.
 5. Transportation Standards
 - a. Development Standards. The following standards shall be met for all new uses and developments:
 - (i) All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street, except as otherwise established under Chapter 2.3. The street frontage shall be a minimum of 25 feet.
 - (ii) Streets within or adjacent to a development shall be improved in accordance with the provisions of this Section.
 - (iii) Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority;
 - (iv) New streets and drives shall be paved and shall comply with the roadway design specifications maintained by the City Engineer.
 - b. Guarantee. The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:
 - (i) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (ii) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation; or

- (iii) The improvement would be in conflict with an adopted capital improvement plan or is part of a larger project that has been scheduled for implementation in the City's Capital Improvement Program or other adopted transportation plan.
 - c. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council, and the deeded right-of-way conforms to the standards of this Code.
 - d. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Section 4.010, Access and Circulation.
 - e. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:
 - (i) Street grades shall be approved by the City Engineer in accordance with the design standards in subsection n, below; and
 - (ii) Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - a) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Section, or
 - b) Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
6. Minimum Rights-of-Way and Street Sections. Subsection (b)(i) through (b)(vi) below establish different improvements for the different classifications of rights-of-way. Street rights-of-way and improvements shall be the widths established below. Where a range of width is indicated, the width shall be determined by the City Engineer.
- a. The City may grant a modification to the nature or extent of any required improvement for any of the following reasons:
 - (i) If the improvement as required would not match the existing improvements, in which case the improvements may be modified to allow for a transition to the required improvement standard.
 - (ii) If unusual topographic or physical conditions preclude the construction of the improvements as required.

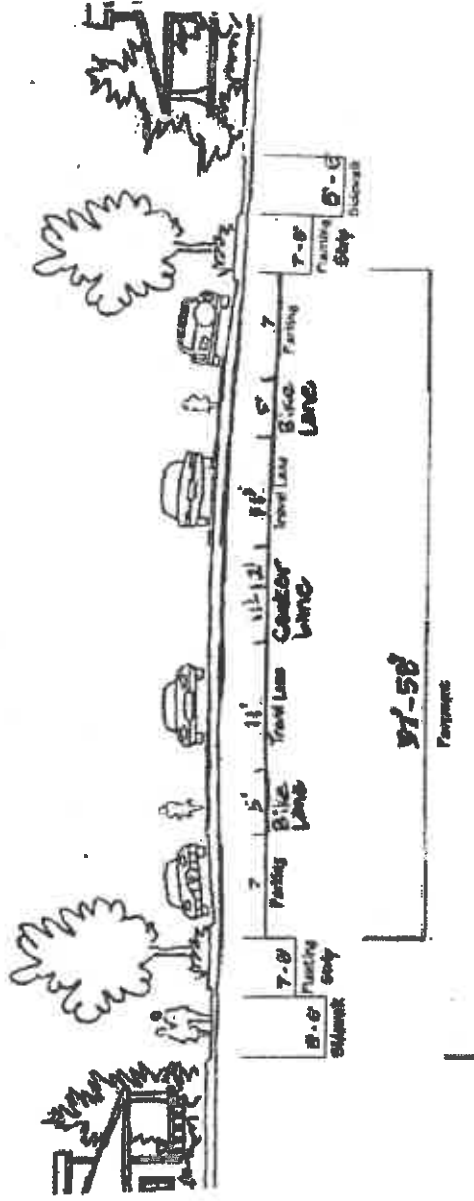
3.3 – Public Facilities

- (iii) If other unusual circumstances preclude the construction of the improvements as required.
- (iv) If the proposed improvement utilizes a natural drainage system composed of planted swales adjacent to sidewalk or roadway pavement to capture, store and treat stormwater, in lieu of traditional stormwater conveyance pipes.
- (v) If the City and a neighborhood has agreed upon a modified standard for a particular street.

(i) Arterial Streets

The City Engineer shall determine the extent and nature of other improvements required in arterial streets on a case-by-case basis, but at minimum should incorporate the following standards.

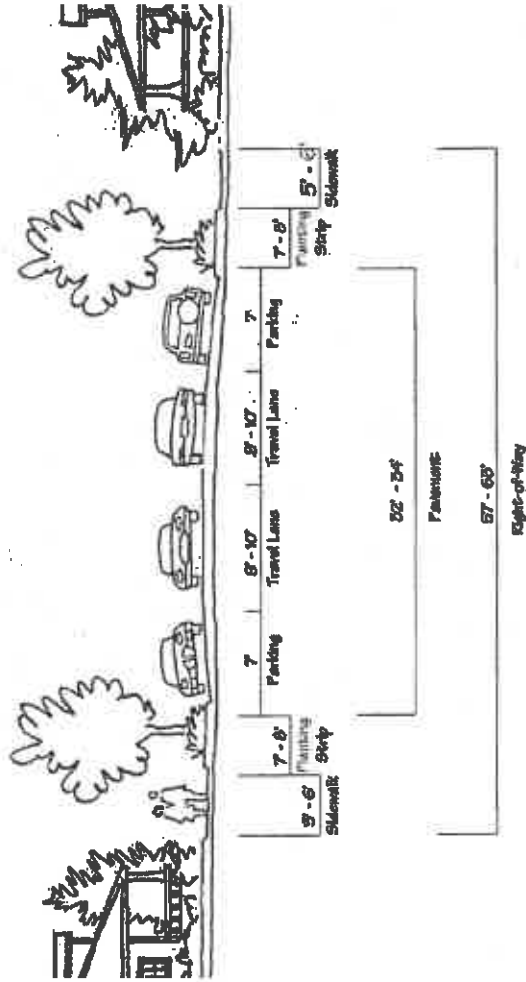
| Right-of-Way | Lane Width | | Landscape Strip | Curb and Gutter | Sidewalks |
|--|-----------------|-------------|--|--|---|
| | Number of Lanes | Center Thru | | | |
| 80-foot minimum Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet. | 2 | 11-12 feet | 7-8-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb | Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System. | 5-6 foot-wide sidewalks required on both sides of the street unless otherwise specified in the land use Comprehensive Plan, a design report for the specific street, or as a specific condition of development. |



(ii) Collector Streets

The chart and diagram below establish the extent and nature of the improvements that must be provided in collector streets. Collector streets would typically serve between 1,500 and 5,000 automobile trips daily.

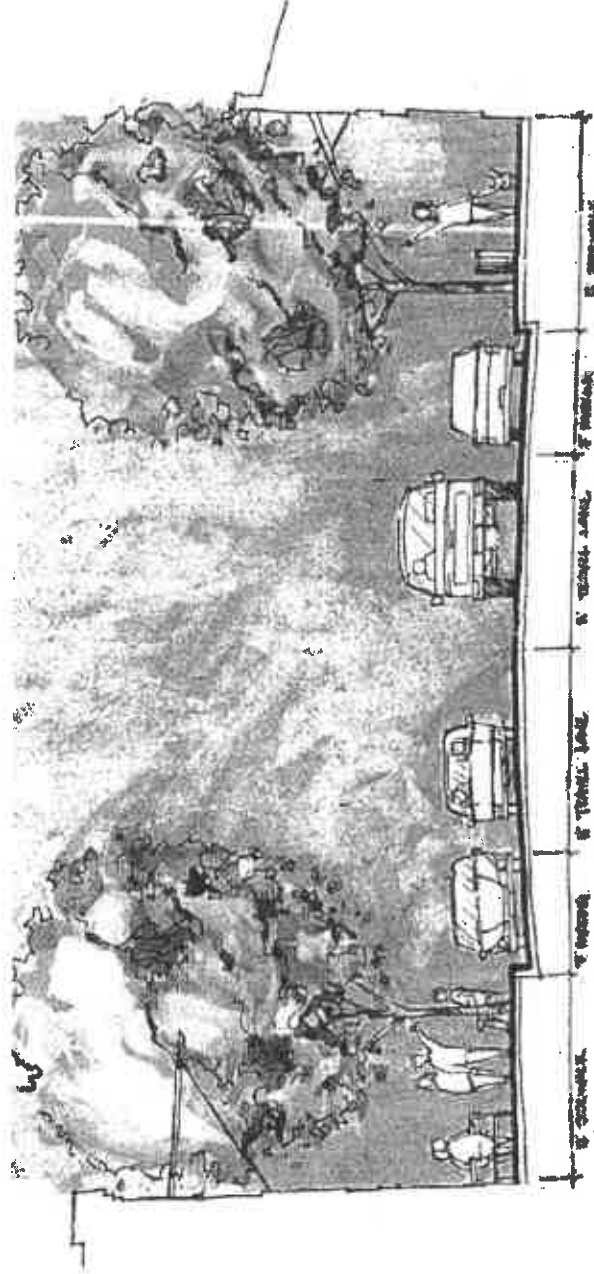
| Right-of-Way | Number of Lanes | Lane Width | Parking | Landscape Strip | Curb and Gutter | Sidewalks |
|--|-----------------|---------------------|--------------------|--|--|---|
| 60-foot minimum Right-of-way width determined by width of required improvements. | 2 | Two 9-10-foot lanes | Allowed both sides | 7-8-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb | Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System. | 5-6 foot-wide sidewalks required on both sides of the street unless otherwise specified in the land use Comprehensive Plan, a design report for the specific street, or as a specific condition of development. |



(iii) Commercial Main Street

The chart and diagrams below establish the extent and nature of the improvements that must be provided in a Commercial Main Street. This street section was originally devised as part of the *Downtown Vision for Yoncalla, Oregon*. This street standard is intended to be used for the design of Main Street.

| Right-of-Min Requirements of Street Type Way | Minimum Right-of-Way | Parking | Curb and Gutter | Landscape Strip | Sidewalks |
|--|----------------------|-----------------------|--|--|---|
| Pavement width is 36 feet | 56 feet | Allowed on both sides | Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System. | Shall include street trees 30 feet on center in tree grates. | 1. 10-foot-wide sidewalks required on both sides of the street. |



(iv) R-20 Local Access Streets

The chart and diagrams below establish the extent and nature of the improvements that must be provided in an R-20 street. This street standard is intended to be used for streets located within the Urban Residential zoning district.

| Right-of-Min Requirements of Street Type Way | Minimum Right-of-Way | Parking | Curb and Gutter | Landscape Strip | Sidewalks |
|--|---|------------------------------------|---|---|--|
| <p>1. Pavement width is 20 feet.</p> <p>2. Cul-de-sacs shall have 70-foot pavement diameter.</p> <p>3. Shall not be dead-ended if length exceeds 400 feet.</p> <p>4. A cul-de-sac is required on dead-end streets, 200-400 feet long. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</p> | <p>42-48 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements.</p> | <p>Posted "No Parking Anytime"</p> | <p>Required both sides</p> <p>Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System.</p> | <p>6-8-foot width required both sides with or without sidewalk</p> <p>Shall include street trees 30 feet on center with grass sod or groundcover</p> <p>Shall be adjacent to the curb</p> | <p>1. 5-6-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, a design report for the specific street, or as a special condition of development.</p> <p>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</p> |

(v) R-24 Local Access Streets

The chart and diagrams below establish the extent and nature of the improvements that must be provided on an R-24 street. This street standard is intended to be used for streets within the Urban Residential zoning district, if site conditions necessitate the need for on-street parking.

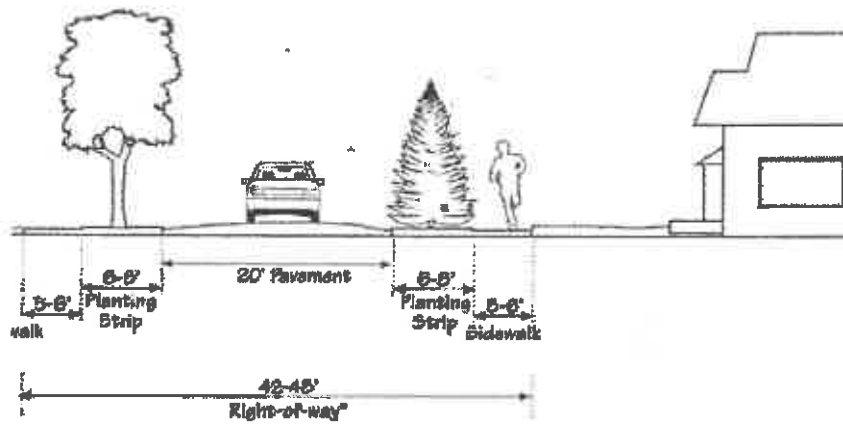
| Right-of-Min Requirements of Street Type Way | Minimum Right-of-Way | Parking | Curb and Gutter | Landscape Strip | Sidewalks |
|--|---|--|---|---|---|
| <p>1. Pavement width is 24 feet.</p> <p>2. Cul-de-sacs shall have 70-foot pavement diameter.</p> <p>3. Shall not be dead-ended if length exceeds 400 feet.</p> <p>4. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</p> | <p>47-52 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements.</p> | <p>Allowed on one side.</p> <p>Cul-de-sacs posted "No Parking Anytime"</p> | <p>Required both sides</p> <p>Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System.</p> | <p>6-8-foot width required both sides with or without sidewalk</p> <p>Shall include street trees 30 feet on center with grass sod or groundcover</p> <p>Shall be adjacent to the curb</p> | <p>1. 5-6-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, a design report for the specific street, or as a special condition of development.</p> |

(vi) R-28 Local Access Streets

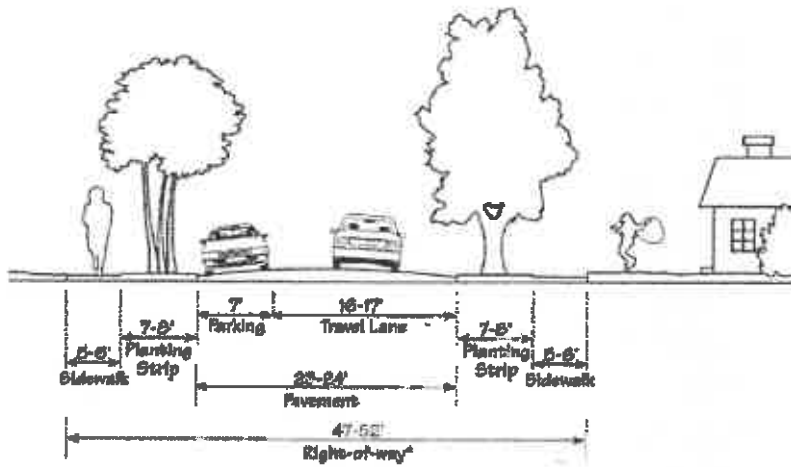
The chart and diagrams below establish the extent and nature of the improvements that must be provided on an R-28 street. This street standard is intended to be used for local access streets serving zones other than Urban Residential.

| Right-of-Min Requirements of Street Type Way | Minimum Right-of-Way | Parking | Curb and Gutter | Landscape Strip | Sidewalks |
|--|---|--|---|---|--|
| <p>1. Pavement width is 28 feet.</p> <p>2. Cul-de-sacs shall have 70-foot pavement diameter.</p> <p>3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</p> | <p>52-56 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements.</p> | <p>Allowed both sides</p> <p>Cul-de-sacs posted "No Parking Anytime"</p> | <p>Required both sides</p> <p>Must install vertical curb, gutter, and storm water collection and conveyance systems, unless otherwise approved by the City Engineer as part of a Natural Drainage System.</p> | <p>6-8-foot width required both sides with or without sidewalk</p> <p>Shall include street trees 30 feet on center with grass sod or groundcover</p> <p>Shall be adjacent to the curb</p> | <p>1. 5-6-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, a design report for the specific street, or as a special condition of development.</p> <p>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</p> |

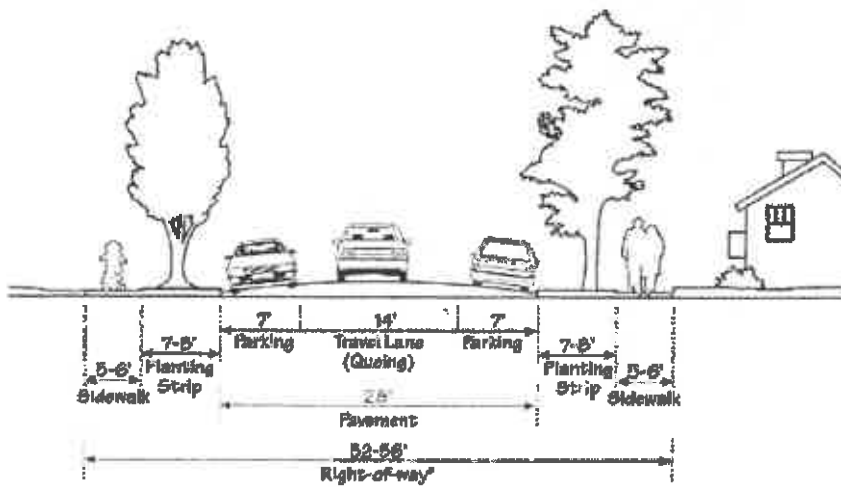
R-20



R-24



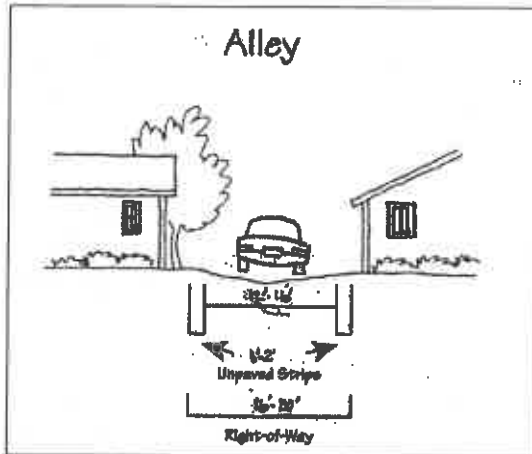
R-28



(vii) Alley

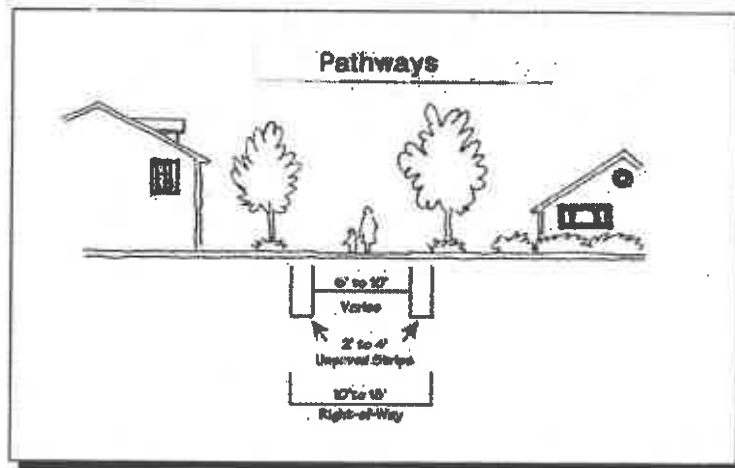
The chart and diagrams below establish the extent and nature of the improvements that must be provided on an alley. This street standard is intended to be used providing service access to adjacent uses.

| Minimum Requirements for Street Type | Minimum Right-of-Way | Parking | Curb and Gutter | Landscape Strip | Sidewalks |
|--|----------------------|--------------------|---|-----------------|--------------|
| 1. May only be used if the property served by the alley is also served by another street. 2. 12-foot minimum paving required. | 16 feet | No parking allowed | Not required Storm water collection and conveyance system required | Not required | Not required |



(viii) Bicycle/Pedestrian Pathways

The diagram below establishes the extent and nature of the improvements that must be provided for a bicycle/pedestrian pathway that is not associated with a street.



- c. **Other Public Improvements along Main Street** – The sidewalks and space, if any, between the sidewalk and the building along Main Street may contain benches and other pedestrian amenities, provided that the a clear area of at least 36 inches is provided.
- d. **Traffic Signals and Traffic Calming Features.**
 - (i) Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
 - (ii) The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
- e. **Future Extension of Streets.**
 - (i) Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
 - a) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b) A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c) Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length.
- f. **Street Alignment, Radii, and Connections.**
 - (i) Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than 300 feet on such streets are created, as measured from the centerline of the street.
 - (ii) Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

- (iii) All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
- (iv) Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.
- (v) In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 3.2.040.
- (vi) Corner curb radii shall be at least 20 feet, except where smaller radii are approved by the City Engineer.
- g. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Sections 3.3.050, 3.3.080 and 3.3.130, applicable provisions of the Local Street Network Plan, and the Comprehensive Plan. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- h. Street Trees. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:
 - (i) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:
 - a) Provide a broad canopy where shade is desired, except where limited by available space or except in section (d).
 - b) Use low-growing trees for spaces under low utility wires.
 - c) Select trees which can be "limbed-up" to comply with vision clearance requirements.
 - d) Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e) Use species with similar growth characteristics on the same block for design continuity.

- f) Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
 - g) Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
 - h) Select trees for their seasonal color if desired.
 - i) Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 - j) The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
- (ii) Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.
- (iii) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.
- (iv) Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting.
- i. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:
- (i) Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 - (ii) Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 - (iii) Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.
- j. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.
- k. Cul-de-sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code

preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

- (i) The cul-de-sac shall not exceed a length of 400 feet or serve more than 18 single family dwellings; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
 - (ii) The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
 - (iii) The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way.
- i. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
- (i) Centerline curve radii shall not be less than 300 feet on arterials, 350 feet on major collectors, 350 feet on collectors, or 100 feet on other streets; and
 - (ii) Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.
- m. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. No new street name shall be used which will duplicate or be confused with the names of existing streets in Douglas County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- n. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
- o. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- p. Mail Boxes. Plans for mail boxes shall be approved by the United States Postal Service.
- q. Street Light Standards. Street lights shall be installed in accordance with City standards.

3.3.150 Clear-vision areas.

A clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- A.** A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the nonintersecting ends of the other two sides.
- B.** A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- C.** The following measurements shall establish clear-vision areas:
 - 1. In a residential zone the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
 - 2. In all other zones where yards are required, the minimum distance shall be 15 feet or, area between the curb or bumper rail and property line shall be landscaped and maintained at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than at an alley, is less than 30 degrees, the distance shall be 25 feet.

3.3.160 Maintenance of minimum requirements.

No lot area, yard, other open space or off-street parking or loading area existing on or after the effective date of the ordinance codified in this chapter shall be reduced below the minimum required for it by this chapter.

3.3.170 Dual use of required open space.

No lot area, yard or other open space or off-street parking or loading area which is required by this chapter for one use shall be a required lot area, yard or other open space or off-street or loading area for another use.

3.3.180 Manufactured Home Park design standards.

Design plans for all utilities, access roads and paved areas shall be submitted to the city engineer following preliminary approval. Streets, sidewalks, curbs and drainage shall be designed and constructed in accordance with city standards. The city engineer may specify additional design standards where applicable. Upon completion of manufactured home park construction, one set of as-builts suitable for reproduction (15-inch by 18-inch Mylar) shall remain on file with the city. Improvement standards for a manufactured home park are as follows:

A. Internal Roads and Access.

1. Internal access roads shall provide direct access to each manufactured home space. Each manufactured home space shall be served directly by a walkway not less than four feet in width and shall be separated from the vehicular roadways by at least a curb. Roadways and sidewalks shall be paved with an asphaltic or concrete surfacing according to specifications established by the city engineer. The minimum surfaced width of the roadway within an accessway shall be 21 feet, if there is no parking allowed, and 31 feet, if parking is allowed. The first 50 feet of the accessway measured from the street shall be surfaced to a width of 30 feet and shall be connected to an existing street according to plans approved by the city engineer. Road cul-de-sacs shall have a minimum outside turning radius of 40 feet. All corners shall have a minimum radius of 15 feet.
2. All accessways and walkways within the park shall be lighted at night to provide a minimum of one and one-half foot-candles of illumination. Wires for service to light poles and manufactured home spaces shall be underground.
3. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the names of vehicular ways shall be provided to the local emergency response agency. Stop signs shall be provided at all intersections with public streets.

B. Directory. For emergency response purposes, a permanent weatherproof signboard shall be located at or near the park entrance indicating the location of each manufactured home space, the space number or address. The design and legibility of the directory shall be subject to review and approval by emergency response officials.

C. Fire Protection. If a manufactured home space or permanent structure in the park is more than 400 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 400 feet of such space or structure or as designed and approved by the city engineer. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City of Yoncalla.

D. Utilities. The manufactured home park shall have one connection to the city sewer system and one connection to the water system service metered through one meter as determined appropriate by the city engineer.

E. Storage Yard. Each manufactured home park shall provide storage yards for trailers, boats, campers and recreational equipment. The storage yard shall contain one parking space per manufactured home space for the parking/storage of campers, trailers, boats, etc., with the exception of vehicles. The storage yard shall be constructed of a dust-free, all-weather surface and shall be enclosed by a six-foot-high, sight-obscuring fence and gate. Wash racks, if provided, shall be located in the storage yard and shall have adequate drainage. Except for temporary storage of 30 days or less, no manufactured home shall be stored in a manufactured home park unless it is properly installed in a manufactured home space. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park except in the storage yard.

F. Off-Street Parking. In addition to the parking spaces contained in the storage yards, two vehicle parking spaces shall be provided for each manufactured home space. One of the required spaces

may be located within the manufactured home space with the remaining spaces in common parking areas. At least one-third of the total required parking spaces shall be distributed throughout the park and made available for guest parking.

G. Landscaping. In the design of the manufactured home park, every effort shall be made to retain existing trees:

1. All common yards and open spaces shall include trees not less than a number determined by dividing the number 25 into the number of lineal feet of frontage abutting public streets. All trees at planting shall be at least eight feet in height and shall have a trunk diameter of at least one inch measured one foot above ground;
2. Not less than 20 percent of each manufactured home space shall be landscaped. The plant material shall include one tree, which, at planting, has a trunk diameter of at least one inch measured one foot above ground level. Trees located within each manufactured home space will not be included in the minimum required in subsection (7)(a) of this section;
3. Tree selection shall be indicated on a landscape plan and be part of the site review/final approval process; and
4. An underground irrigation system shall be included with all landscaping and shall be adequately maintained.

H. Recreation/Open Space.

1. Each manufactured home park shall provide common open space consisting of equal to 200 square feet per manufactured home space for recreational purposes. Such recreation space may be broken up into separate areas, providing each measures no less than 50 feet by 50 feet;
2. Each manufactured home park shall provide a separate general play area restricted to that use if the manufactured home park accommodates children less than 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each manufactured home space accommodating children. The play area may be included as part of the total required open space. A separate play area is not required if the manufactured home park accommodates children who are under 14 years of age and is constructed so as to provide each space with a minimum of 4,000 square feet; and
3. Recreation areas shall be suitably improved and maintained for recreational purposes and for the type of residents for whom the manufactured home park is intended.

I. Management Office. Each manufactured home park shall contain and maintain a management office. It shall have access to a lavatory and water closet. It shall provide suitable enclosed facilities for mail distribution (if applicable) and public telephone service.

J. Laundry Room. Adequate and properly equipped laundry room facilities shall be made available to the residents of the manufactured home park.

K. Manufactured Home Space Requirements. It shall be the option of the developer to design each manufactured home space to accommodate a manufactured home with a minimum of 1,000 square feet and up to current industry sizes, provided each space contains adequate area to allow

3.3 – Public Facilities

for patio, tenant storage, parking, landscaping, setback and separation requirements; and provided further, that the following minimum space requirements are met:

1. The minimum size for a manufactured home space in a manufactured home park shall be 3,600 square feet. Each space shall have a minimum width of 40 feet and a minimum depth of 90 feet;
 2. Each manufactured home space shall have a stand which is a minimum of 10 feet in width and 40 feet in length. Manufactured home stands shall be paved with asphaltic or concrete surfacing contained within concrete curbing or pressure-treated wooden screen; and
 3. Manufactured homes shall be parked on stands, provided they shall be set back a minimum of five feet from the edge of accessways and shall observe the setbacks as established in this chapter.
- L. Patio.** Each manufactured home space shall be provided with a patio having a minimum area of 140 square feet. The patio shall have a minimum width of seven feet and minimum length of 20 feet and shall be constructed adjacent and parallel to each manufactured home. Patios shall be paved with asphalt, concrete, or suitable hard-surfaced material.
- M. Tenant Storage.** One permanent storage building containing a minimum of 32 square feet of floor area shall be provided for each manufactured space. The building height shall be a minimum of seven feet and a maximum of eight feet. However, a storage locker with a minimum of 75 cubic feet may be provided for each lot or in locker compounds within close proximity to the lot being served.
- N. Separation Requirements.** The minimum space between any manufactured home and any adjacent manufactured home or permanent building, other than one permitted in a manufactured home space, shall be 20 feet and shall be constructed adjacent and parallel to each manufactured home. Patios shall be paved with asphalt, concrete, or suitable hard-surfaced material. Permanent structures situated in one manufactured home space shall be separated by at least 10 feet from permanent structures in an adjoining space. All accessory buildings within each manufactured home space shall be separated in accordance with the building codes or the Department of Commerce Mobile Home Code, whichever is greater.

3.3.190 Manufactured home construction standards.

- A. Placement Standards.** No mobile home may be placed or relocated within the manufactured home park without first obtaining a manufactured home placement permit and each manufactured home permitted shall meet the following standards as determined by the building official:
1. All manufactured homes shall bear an Oregon Insignia of Compliance with a date not previous to 1976 or otherwise conform to the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards in effect at the time. No reconstruction or equipment installation shall have been made to the manufactured home unless it has been state approved as evidenced by an appropriate insignia.
 2. A manufactured home shall contain not less than 1,000 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
- B. Skirting.** A manufactured home permitted in a manufactured home park shall be provided with continuous skirting or the perimeter of the foundation may be masonry units.

- C. Axles Removed.** Wheels, hubs and axles may be removed from manufactured homes. The manufactured home pad may be developed by grading so that 50 percent of the perimeter of the manufactured home abuts an earthen berm no more than six inches below the finished grade of the floor of the manufactured home upon installation, with the remainder of the perimeter to be skirted with material compatible with the manufactured home.

3.3.200 Performance agreement

The planning commission shall consider for approval the final plat or finished plat; provided, that at the time of submission of such plat or finished plat a petition for improvements as required herein has been properly executed by the subdivider who is effecting the subdivision and will be assessed for said improvements. Other procedures may be used in accordance with city standards and specifications.

ARTICLE 4: APPLICATION REVIEW AND APPROVAL CRITERIA

Chapters:

- 4.1 General Review Procedures
- 4.2 Conditional uses
- 4.3 Variances
- 4.4 Amendments and Zone Changes
- 4.5 Land Divisions and Property Line Adjustments
- 4.6 Modifications and Provisions
- 4.7 Annexations

Chapter 4.1 – General Review Procedures

Sections:

- 4.1.010 Purpose and Applicability
- 4.1.020 Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
- 4.1.030 Type II Procedure (Administrative Review)
- 4.1.040 Type III Procedure (Quasi-Judicial Review - Public Hearing)
- 4.1.050 Type IV Procedure (Legislative Review)
- 4.1.060 Time Limit, Consolidated Review
- 4.1.070 Neighborhood Contact
- 4.1.080 Fees

4.1.010 Purpose and Applicability

A. Purpose, Scope and Compliance

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications, and participate in the local decision-making process in a timely and effective way. The powers and duties of City Officials and boards are specified herein insofar as administration of this Code is concerned. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Yoncalla and with applicable State and Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

1. No development, including accessory and temporary uses, may be established or changed; no structure shall be erected, constructed, reconstructed, or altered; and no building used, occupied, or altered with respect to its use after the effective date of this Code except as this Code permits.
2. Site alterations such as, grading, filling, or clearing of land, prior to submission of the plans for development shall be a violation of this Code.
3. The requirements of this Code apply to the person undertaking a development or the owner of such development and to those persons' successors in interest. Nothing herein shall relieve any applicant of

4.1 – General Review Procedure - Types

the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Code.

Table 4.1.010.A provides a key for determining the review procedure and the decision-making body for particular approvals.

- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010.A lists the City’s land use and development approvals and corresponding review procedure(s).
1. **Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City’s Planning Secretary, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
 2. **Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the Planning Secretary, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Planning Secretary may refer a Type II application to the Planning Commission for its review and decision in a public meeting;
 3. **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission]. Quasi-Judicial decisions involve discretion but implement established policy.
 4. **Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

4.1 – General Review Procedures-Types

| Table 4.1.010.A – Summary of Approvals by Type of Review Procedure | | |
|--|--------------------------|--|
| Approvals* | Review Procedures | Applicable Regulations |
| Annexation | Type IV | See Oregon Revised Statute 222 |
| Appeal | Numerous | |
| Building/Placement Permit Land Use Compatibility Statement | Type I | -- |
| Code Interpretation | Type III | Chapter 1.4. Routine interpretations that do not involve discretion do not require a permit. |
| Code Text Amendment | Type IV | Chapter 4.4 |
| Comprehensive Plan Amendment | Type IV | Chapter 4.4 |
| Conditional Use Permit | Type III | Chapter 4.2 |
| Home Occupation | No permit required | |
| Manufactured Home park | Type III | Section 2.4.90 |
| Modification to Approval or Condition of Approval | Type I, II or III | Chapter 4.6 & Original applicable criteria |
| Non-Conforming Use or Structure, Expansion of | Type I, II or III | Chapter 1.3 |
| Partition or Re-plat (2-3 lots) where no street or easement is involved and all lots have standard frontage. | Type II | Chapter 4.5 |
| Partition or Re-plat (2-3 lots) Preliminary Plat Final Plat | Type III Type II | Chapter 4.5 Chapter 4.5 |
| Lot Line Adjustments, including Lot Consolidations | Type II | Chapter 4.5 |
| Special Flood Hazard Development Permit | Type I | Sections 3.4.040 and 2.2.160 |
| Subdivision or Replat of >3 lots Preliminary Plat Final Plat | Type III Type II | Chapter 4.5 Chapter 4.5 |
| Temporary Use Permit | Type II | Section 2.4.140 |
| Variance Zoning District Map Change | Type III Type IV | Chapter 4.3 Chapter 4.4 |

** The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.*

4.1 – General Review Procedure - Types

C. Building permits.

No permit shall be issued by the building official for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this title.

D. Form of petitions, applications, and appeals.

Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city. Applications shall be accompanied by plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure, the number of families, if any, to be accommodated thereon; and such other information required within this Code and needed to determine conformance with this Code.

4.1.020 Type I Procedure

A. Type I Procedure (Staff Review).

The Planning Secretary, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards).

B. Application Requirements.

1. **Application Forms.** Approvals requiring Type I review, shall be made on forms provided by the City.

2. **Application Requirements.** Applications shall:

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

4.1.030 Type II Procedure (Administrative Review With Notice)

The Planning Secretary, or his or her designee performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the Planning Secretary with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Planning Secretary may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

A. Application Requirements.

1. **Forms of Petitions, Applications and Appeals.** Petitions, applications and appeals provided for in this Code shall be made on forms prescribed by the City. Applications shall contain the information described in Section 4.1.030(A)(2) below and shall be accompanied by plans and specifications, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and locations on the lot of existing and proposed structures, the intended use of each structure, the number of families, if any, to be accommodated therein, the relationship of the property to the surrounding area and such other information as is needed to determine conformance with this Code.

Any land use applications, plan reviews, development permits, public hearings or other proceedings required by this Code may be consolidated to allow review of all such required development permits at one time.

2. **Information to be Submitted with Application** An application for development shall consist of the following information, as applicable, plus any other materials that may be required by additional provisions of this Code because of the unique type of development proposed or the area involved.

- a. A completed application form and the appropriate filing fee.
- b. Proof that the property affected by the application is in the exclusive ownership of the applicant(s) or that the applicant has the consent of all parties in ownership of the affected property.
- c. Legal description and (if applicable) street address of the property affected by the application.
- d. A site plan, sketches and any other explanatory information that may have a bearing on determining the action to be taken or that may be necessary to establish compliance to Code requirements and all relevant laws. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The following information shall be shown on, or attached to, a site plan:
 - 1) The first sheet of each set of plans shall give the name and address of the property owner, the name and address of the person, engineer, or surveyor who prepared the plans, the scale to which the plan is drawn, and the date prepared;
 - 2) The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
 - 3) A vicinity map showing adjacent land, the north point and, where appropriate, how proposed streets and utilities may be extended to connect to existing streets and utilities;

4.1 – General Review Procedure - Types

- 4) The location, width, and name of all existing streets, railroads, and utility rights-of-way or easements;
- 5) Where appropriate, the location of existing sewers, water mains, fire hydrants, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes;
- 6) The location and use of existing and proposed buildings or structures and their exterior dimensions where appropriate;
- 7) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
- 8) The location, size, type, and illumination of existing and proposed signs;
- 9) The location, size, and surface treatment of all existing and proposed driveways and pedestrian entrances and exits; the location, total number and dimensions of off-street parking spaces and loading areas; and the drainage plan for all paved surfaces;
- 10) The location of areas subject to flooding as defined by the Special Flood Hazard Overlay Zone (2.2.160), addressing Flood Damage Prevention;
- 11) The location of any outstanding natural features; and where appropriate, the topography of the property, existing and proposed, showing the grades, elevations and character of the site as they relate to the improvements and to the adjacent area;
- 12) Where site topographic surveys are required, they shall be prepared with 2 foot contour intervals for average slopes of less than 5%, with 5 foot contour intervals for average slopes of 5% to 15%, and with 10 foot contour intervals for average slopes of 15% and above;
- 13) When necessary to evaluate an application, architectural perspective, layout and elevation drawings of proposed structures shall be drawn without exaggeration, except where noted, and shall include locations, areas and designs of any signs and/or landscaping. The location and description of mechanical roof facilities shall also be shown if subject property is so oriented as to become part of the view from adjacent properties; and
- 14) If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.

B. Procedure

I. Notice of Application

- a. Notice of the Type II application shall be given by mailing of written notice, not less than 20 days prior to the decision, to all owners of record of real property, any portion of which is located within 200 feet of the boundaries of the property that is the subject of the matter to be heard. For this purpose, the names and addresses of the owners as they are shown in the records of the Douglas County Assessor shall be used.

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- c. Notice shall be given to the applicant or permittee and any other person who makes a written request for notice, by mailing to such persons written notice not later than 20 days in advance of the decision.
- d. If a proposed Zoning Map Amendment (Rezoning) (a) has been initiated by the Planning Commission or City Council, (b) is declared by the City Council to be a major re-classification, or (c) a legislative amendment which limits or prohibits land uses previously allowed in the subject zone, individual written notices shall be mailed to all affected property owners consistent with requirements of Measure 56.
- e. The notice of application shall contain the following information:
 - 1) The name and mailing address of the applicant(s);
 - 2) The nature of the application and the proposed use or uses which could be authorized;
 - 3) The applicable criteria from the Comprehensive Plan and implementing ordinance which will be applied to the decision;
 - 4) The address or sufficient description of the subject property to establish its location;
 - 5) A statement that failure to raise an issue, either in person or by letter, or failure to provide sufficient specificity of an issue, may preclude the filing of an appeal to the Land Use Board of Appeals on that issue;
 - 6) A statement that a copy of the application, together with all documents and evidence submitted by the applicant, are available for inspection at the Yoncalla City Hall;
 - 7) A statement that a copy of the official staff report will be available for inspection at City Hall; once completed.
 - 8) A general explanation of the requirements for submission of testimony
 - 9) The name and telephone number of the City representative to contact for further information;
 - 10) The requirements and limitations for appeal, including appeal to the Land Use Board of Appeals (LUBA).
2. At the conclusion of the comment period, the Planning Secretary shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the Planning Secretary may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.
3. Where the Planning Secretary refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided

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the Commission must make a final decision within the 120-day period prescribed under State law (ORS 227.178) and as described in Section 4.1.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant with Section 4.1.040; in which case a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

4. Within seven (7) days of a Type II (Administrative) decision, the Planning Secretary shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The Planning Secretary shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
5. The Administrative Notice of Decision shall contain all of the following information:
 - a. A description of the applicant's proposal and the City's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant with subsection 4.1.030.D.

C. Effective Date of Decision.

Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective twelve (12) days after the City mails the decision notice unless the decision is appealed pursuant with subsection 4.1.030.D.

D. Appeal of Type II (Administrative) Decision.

- I. An interpretation, action, or ruling by the Planning Secretary or designee, pursuant to this Code may be appealed by an affected or aggrieved party to the Planning Commission, and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, as follows:
 - a. A person intending to file an appeal on an administrative decision shall promptly request written notice of said decision from the Planning Secretary;

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The appellant shall, within 10 days from the date the decision was mailed, file written notice of the appeal with the City Recorder, accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal.

- b. If an appeal is not filed within the 20 day period, the decision of the Planning Secretary shall be final and binding on all parties concerned. If an appeal is filed, the City Recorder shall transmit to the Planning Commission the notice of appeal, the decision and findings of the, Planning Secretary at their next regular meeting. The Commission shall receive a report and recommendation thereon from the Planning Secretary.
 - c. The Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Planning Commission may continue the hearing for good cause. Following the hearing, the Planning Commission—may affirm, reverse, or modify the decision of the Planning Secretary.
 - d. The Planning Commission shall conduct a *de novo* review of the application record. Such review shall be limited to specific issues raised by the notice of appeal. New or additional evidence can only be considered on a showing that a consideration of the new evidence is required by the public interest or that the evidence could not have been offered in the exercise of due diligence.
 - e. Upon review the Planning Commission may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the hearing body modifies or renders a decision that reverses a decision under appeal, the hearing body shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the hearing body remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
2. The City Recorder shall forward any Planning Commission Type II Administrative Decision appeal to the City Council at their next regular meeting. The Council shall receive a report and recommendation thereon from the Planning Secretary and shall hold a public hearing on the appeal. Notice and conduct of hearing shall be in accordance with Section 4.1.030 (B)
 - a. The following people have legal standing to appeal a Type II Administrative Decision:
 - 1) The applicant or owner of the subject property;
 - 2) Any person who was entitled to written notice of the Type II decision;
 - 3) Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
 3. **Appeal Hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.040(B)(2). Section 4.1.040(B)(2) contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

- 1. Forms of Petitions, Applications and Appeals.** Petitions, applications and appeals provided for in this Code shall be made on forms prescribed by the City. Applications shall contain the information described in Section 4.1.040(2) below and shall be accompanied by plans and specifications, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and locations on the lot of existing and proposed structures, the intended use of each structure, the number of families, if any, to be accommodated therein, the relationship of the property to the surrounding area and such other information as is needed to determine conformance with this Code.

Any land use applications, plan reviews, development permits, public hearings or other proceedings required by this Code may be consolidated to allow review of all such required development permits at one time.

- 2. Information to be Submitted with Application** An application for development shall consist of the following information, as applicable, plus any other materials that may be required by additional provisions of this Code because of the unique type of development proposed or the area involved.
 - a. A completed application form and the appropriate filing fee.
 - b. Proof that the property affected by the application is in the exclusive ownership of the applicant(s) or that the applicant has the consent of all parties in ownership of the affected property.
 - c. Legal description and (if applicable) street address of the property affected by the application.
 - d. A site plan, sketches and any other explanatory information that may have a bearing on determining the action to be taken or that may be necessary to establish compliance to Code requirements and all relevant laws. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The following information shall be shown on, or attached to, a site plan:
 - 1) The first sheet of each set of plans shall give the name and address of the property owner, the name and address of the person, engineer, or surveyor who prepared the plans, the scale to which the plan is drawn, and the date prepared;
 - 2) The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
 - 3) A vicinity map showing adjacent land, the north point and, where appropriate, how proposed streets and utilities may be extended to connect to existing streets and utilities;
 - 4) The location, width, and name of all existing streets, railroads, and utility rights-of-way or easements;

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- 5) Where appropriate, the location of existing sewers, water mains, fire hydrants, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes;
- 6) The location and use of existing and proposed buildings or structures and their exterior dimensions where appropriate;
- 7) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
- 8) The location, size, type, and illumination of existing and proposed signs;
- 9) The location, size, and surface treatment of all existing and proposed driveways and pedestrian entrances and exits; the location, total number and dimensions of off-street parking spaces and loading areas; and the drainage plan for all paved surfaces;
- 10) The location of areas subject to flooding as defined by the Special Flood Hazard Overlay Zone, Section 2.2.160, addressing Flood Damage Prevention;
- 11) The location of any outstanding natural features; and where appropriate, the topography of the property, existing and proposed, showing the grades, elevations and character of the site as they relate to the improvements and to the adjacent area;
- 12) Where site topographic surveys are required, they shall be prepared with 2 foot contour intervals for average slopes of less than 5%, with 5 foot contour intervals for average slopes of 5% to 15%, and with 10 foot contour intervals for average slopes of 15% and above;
- 13) When necessary to evaluate an application, architectural perspective, layout and elevation drawings of proposed structures shall be drawn without exaggeration, except where noted, and shall include locations, areas and designs of any signs and/or landscaping. The location and description of mechanical roof facilities shall also be shown if subject property is so oriented as to become part of the view from adjacent properties; and
- 14) If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.

B. Procedures

I. Quasi-Judicial Public Hearing

Public hearings for applications which relate to a single piece of property or to properties in a single ownership shall be conducted as "quasi-judicial" land use proceedings as specified in Oregon Revised Statutes Chapter 197. Examples of such applications include requests for Variances, Conditional Use Permits, Temporary Use Permits, and Rezoning. Appeals of decisions of the Planning Secretary and of the Planning Commission shall also be treated as quasi-judicial land use proceedings.

Any Public Hearing required by this Code shall be conducted in accordance with the laws of the State of Oregon and the following paragraphs:

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- a. The initial hearing on an application shall be held no sooner than 30 days of the date that the application is deemed complete.
- b. All hearings shall be open to the public and other persons interested in the outcome of the matter being heard. Opportunity shall be given to present evidence and arguments, and to ask questions or object to evidence in the record.
- c. All of the documents or evidence relied upon by an applicant must be submitted to the City and made available to the public for review at least 10 days in advance of the hearing date. The staff report to be used at the hearing must be available to the public at least 7 days in advance of the hearing. The City may charge a reasonable fee for photocopies of the staff report, documents, and other evidence.

2. Notice of Hearing

- a. Notice shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of the hearing.
- b. Notice shall be given by mailing of written notice not less than 20 days prior to the date of hearing to all owners of record of real property, any portion of which is located within 250 feet of the boundaries of the property that is the subject of the matter to be heard. For this purpose, the names and addresses of the owners as they are shown in the records of the Douglas County Assessor shall be used.
- c. Notice shall be given to the applicant, permittee or appellant and any other person who makes a written request for notice, by mailing to such person's written notice not later than 20 days in advance of the hearing.
- d. Manufactured home park tenants shall be noticed in writing at least 20 days but not more than 40 days prior to the hearing date for a proposed rezone of the park within which they reside.
- e. The notice of hearing shall contain the following information:
 - 1) The name and mailing address of the applicant(s);
 - 2) The nature of the application and the proposed use or uses which could be authorized;
 - 3) The applicable criteria from the Comprehensive Plan and implementing ordinance which will be applied to the decision;
 - 4) The address or sufficient description of the subject property to establish its location;
 - 5) The time, date and location of the hearing;
 - 6) A statement that failure to raise an issue at the hearing, either in person or by letter, or failure to provide sufficient specificity of an issue, may preclude the filing of an appeal to the Land Use Board of Appeals on that issue;
 - 7) A statement that a copy of the application, together with all documents and evidence submitted by the applicant, are available for inspection at the Yoncalla City Hall;

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- 8) A statement that a copy of the official staff report will be available for inspection at City Hall not less than seven days prior to the hearing;
 - 9) A general explanation of the requirements for submission of testimony and the procedure for conducting the hearing;
 - 10) The name and telephone number of the City representative to contact for further information;
 - 11) The requirements and limitations for appeal, including appeal to the Land Use Board of Appeals (LUBA).
- f. Failure of a person to receive the properly prepared notice prescribed in this section shall not impair the validity of the hearing.

3. Conduct of Hearing

Except as may otherwise be required by State Law, hearings shall be conducted as follows:

- a. Prior to opening of the hearing, the Chairperson shall determine that the requirements for open meetings are met. The Chairman shall also explain the hearing procedures to the audience, including the order that testimony will be taken.
- b. All members of the planning commission or city council shall disclose any significant prehearing or ex parte communications concerning any matter set for public hearing. This disclosure shall take place at the commencement of the public hearing and shall not invalidate a decision or action if the member(s):
 - (a) Place(s) on the record the substance of the ex parte contact; and
 - (b) Allow(s) for any party subject to such contact to rebut the ex parte disclosure.
- c. If the member(s) disclosing an ex parte contact decides the communication has impaired impartiality in the decision-making process, the member(s) shall abstain in participation and voting on the matter. For the purpose of forming a quorum the abstaining member shall be counted.
- d. The Chairperson shall then open the public hearing. The Chairperson shall ask the decision-makers to declare any ex-parte contacts or conflicts of interest if any may exist. At the beginning of the hearing, the chairperson shall identify the applicable criteria that will be used in the decision making process and explain that the testimony and evidence presented in the hearing must be directed to the applicable criteria. It shall also be explained that failure to raise an issue with sufficient specificity to afford the decision-making body and the party an opportunity to respond to the issue will preclude raising the issue on appeal to the Land Use Board of Appeals (LUBA).
- e. During the hearing, the decision-making body may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay. Testimony on appeals may be limited to those persons having "standing" or otherwise having participated in the hearings held prior to the initial decision.
- f. The hearing may be continued until a subsequent meeting and the decision-making body may keep the hearing open to take additional information, or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered, up to the point

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that a final decision is made. Upon recessing, the time and date the hearing is to be resumed shall be announced. No further notice of a recessed or continued hearing need be published unless otherwise required.

4. Modification of Application at Hearing

- a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Commission or City Council, the applicant may agree to modify his application, including the plans and specifications submitted. The agreed upon modifications shall be set down in writing at the time of the hearing.
- b. When modifications are so substantial or extensive that the decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans, they shall be submitted to the decision making body prior to a final decision before it. The Commission or City Council may conditionally approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Secretary.

5. Record of Hearing and Decision

- a. A tape recording shall be made of all hearing proceedings and, in accordance with State regulations for records retention, such recordings shall be kept for a minimum of one year. Accurate minutes shall also be kept of all such proceedings, however, the record need not set forth the evidence verbatim. A permanent record of each set of minutes shall be maintained in a safe place by the City Recorder.
- b. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a permanent part of the record of the proceedings.
- c. Any participant in a hearing may request a continuance of the Planning Commission decision process prior to the conclusion of the initial hearing. The request must be granted, either by continuing the hearing or by holding the record open. The continuance shall be handled in accordance with the requirements of ORS 197.763.
- d. All decisions made by the Planning Commission or City Council regarding an application or appeal or revocation of a permit shall be written, signed by the Chair, and mailed to the applicant or appellant and all other persons who make a written request for a copy. A registry of all land use decisions shall be kept on file, regardless of whether or not the holding of a public hearing is required.
- e. In addition to the written decision described in paragraph d) above, a statement of the findings and conclusions utilized in the decision making process, as well as supporting reasons or facts, shall be prepared whenever a land use decision involves discretionary action by the Planning Commission or City Council. These "Findings of Fact" shall be made available to the public, however, a reasonable fee may be charged for photocopies of these documents.

C. Effective Date of Decision.

Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective ten days after the City mails the decision notice unless the decision is appealed pursuant with subsection 4.1.040(D).

D. Appeals

1. An action or ruling of the Planning Commission pursuant to this Code may be appealed by an affected or aggrieved party to the City Council within 20 days from the date the written decision of the Planning Commission was signed.
 - a. Written notice of an appeal shall be filed with the City Recorder accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal, including a concise statement of the grounds upon which the appellant claims the action appealed from was erroneous.
 - b. If an appeal is not filed within the 20 day period, the decision of the Planning Commission shall be final and binding on all parties concerned. If an appeal is filed, the City Recorder shall transmit to the City Council the notice of appeal, the decision and findings of the Planning Commission, and the record of the Planning Commission proceedings.
 - c. The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The City Council may continue the hearing for good cause. Following the hearing, the City Council may affirm, reverse, or modify the decision of the Planning Commission.
 - d. The City Council shall conduct a *de novo* review of the Planning Commission record. Such review shall be limited to specific issues raised by the notice of appeal. New or additional evidence can only be considered on a showing that a consideration of the new evidence is required by the public interest or that the evidence could not have been offered at the Planning Commission hearing in the exercise of due diligence.
 - e. Upon review at a public hearing, the City Council may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the hearing body modifies or renders a decision that reverses a decision under appeal, the hearing body shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the hearing body remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
2. A City Council ruling pursuant to this Code may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)
3. If, on the appeal, the city council does not take a final action on any application for a permit or zone change within the 120 days described in 4.1.060, the applicant may file for a writ of mandamus with the county circuit court. The writ shall be issued unless the council can show that approval will violate the comprehensive plan or its implementing regulations.

E. Effective Date and Appeals to State Land Use Board of Appeals.

A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this Chapter shall be filed with the State Land Use Board of Appeals pursuant with ORS 197.805 - 197.860.

4.1.050 Type IV (Legislative Decisions)

A. Timing of Requests.

The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

1. **Application forms.** Legislative applications shall be made on forms provided by the Planning Secretary. Public hearings for requests to amend the text of this Code and rezoning or map changes affecting multiple properties in different ownership may be conducted as legislative proceedings.
2. **Submittal Information.** The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee, except when City of Yoncalla initiates request;
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; *and*
 - e. Evidence of neighborhood contact, pursuant with Section 4.1.070.

C. Procedure.

Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to State land use laws (ORS 227.175), as follows:

1. The Planning Secretary shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.
2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another). See also, ORS 227.186 for instructions;
 - b. Any affected governmental agency;

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- c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
3. At least ten days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the City.
 4. For each mailing and publication of notice, the Planning Secretary shall keep an affidavit of mailing/publication in the record.

D. Final Decision and Effective Date.

A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the Planning Secretary. The City shall also provide notice to all persons as required by other applicable laws.

- E. A City Council ruling pursuant to this Code may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)

4.1.060 Time Limit, Consolidated Review

A. Timeline for Processing

Except as provided for in subsections a) and b) below, final action on administrative and quasi-judicial applications or legislative amendments processed pursuant to this Section shall occur not later than 120 days following receipt of a Complete Application, or as otherwise provided by statute, ordinance, or rule.

All quasi-judicial applications shall be checked for completeness by the city recorder, or designee, who shall notify the applicant of any missing materials within 30 days of receipt of the application. Any application which has not been declared complete by the Planning Secretary within 6 months of the date of its submission shall be deemed withdrawn by the applicant (unless an extension is requested consistent with ORS 227.178(5)) and will not be subject to the other conditions of this section.

1. The time periods set forth in this Sub-section may be extended for a reasonable period of time at the request of the applicant.
2. The 120 day time period set forth in this Sub-section does not apply to amendments of the Comprehensive Plan or Development Code which have been forwarded to the Department of Land Conservation and Development pursuant to ORS 197.610.
3. If the City does not take final action on an application which is subject to the requirements of this Sub-section within the 120 day time period, set forth in this Sub-section, after the application was deemed complete, the applicant may apply in the Douglas County circuit court for a writ of mandamus to compel the City to either approve the application or show good cause why the City has not taken final action.

B. Time Periods. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

D. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

4.1.070 Pre-Application Conference and Neighborhood Contact

A. Pre-application conference. Prior to the formal submittal of a subdivision application, conditional use permits or zone change applicants must schedule and attend a pre-application meeting which will provide an opportunity to receive feedback from city staff. Prior to the meeting a conceptual plan map and basic written description of the project shall be provided. Once the pre-application conference is completed the applicant may submit a subdivision application.

Purpose and Applicability. Applicants for subdivision, conditional use or site plan review on projects involving parcels or lots larger than one acre and located adjacent to any residential zone, and property owner-applicants for zone changes, are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

- B. Notice.** Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within 200 feet of the site, at their addresses of record at the Douglas County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place and purpose of the meeting, including a description of the proposed development.
- C. Meeting place, date and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound, video or digital recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.
- E. Filing requirements.** Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service as to those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

4.1.080 Fees

Filing fees shall be paid to the Planning Secretary or City Clerk upon filing of a land use application. Such fees shall not be refundable. Fees shall be set by resolution as adopted by the city council. Fees for appeals of planning commission decisions shall be set by resolution of the city council and are not to exceed the actual cost of the appeal. All fees are nonrefundable except in the case of withdrawal of the application by the applicant and the city has incurred no expense in processing the request. The filing fees shall be expended for costs of processing the application including public notice, consultation of staff and engineers, staff time, and general planning commission activities.

Chapter 4.2 — Conditional Uses

Sections:

4.2.010 Authorization to grant or deny conditional uses

4.2.020 Standards governing conditional uses

4.2.030 Conditional use procedure

4.2.010 Authorization to grant or deny conditional uses.

Conditional uses listed in this title may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in this chapter. In permitting a conditional use or the modification to those standards and requirements expressly specified by this title, any additional conditions which the planning commission considers necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of off-street parking and loading spaces required, limiting the number, size and location of signs, and requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change in use or in lot area or an alteration of structure shall conform to the requirements dealing with conditional uses.

4.2.020 Standards governing conditional uses.

A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

- A.** Vehicle access to off-street parking areas and drive-in establishment service areas shall be designed to minimize conflict between vehicular and pedestrian traffic.
- B.** The size of a lot to be used for a public utility facility may be reduced below the minimum required, provided it will not have an adverse effect upon adjacent uses.

4.2.030 Conditional use procedure.

Type III procedures shall be observed in applying for and acting on a conditional use:

- A.** A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City under Type III procedures. The planning commission or its designee may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

Chapter 4.3 — Variances

Sections:

- 4.3.010 Authorization to grant or deny variances
- 4.3.020 Circumstances for granting a variance
- 4.3.030 Procedure for taking action on a variance application
- 4.3.040 Time limit on a permit for a variance

4.3.010 Authorization to grant or deny variances.

The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title.

4.3.020 Circumstances for granting a variance.

A variance may be granted only in the event that all of the following circumstances exist:

- A.** Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this title have had no control.
- B.** The variance is necessary for the preservation of a property right of an applicant substantially the same as owners of other property in the same zone or vicinity possess.
- C.** The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- D.** Variance requested is the minimum variance which would alleviate the hardship.

4.3.030 Procedure for taking action on a variance application.

Type III procedures shall be observed in applying for and acting on a Variance.

4.3.040 Time limit on a permit for a variance.

Authorization of a variance shall be void after one year, unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.

Chapter 4.4 — Amendments and Zone Changes

Sections:

- 4.4.010 Authorization to initiate amendments
- 4.4.020 Circumstances for granting a zone change
- 4.4.030 Circumstances for granting text amendments to this code
- 4.4.040 Public hearings on amendments
- 4.4.050 Record of amendments
- 4.4.060 Limitation on reapplications

4.4.010 Authorization to initiate amendments.

An amendment to the text of this title or to a zoning map may be initiated by the city council, the city planning commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the city recorder, using forms prescribed pursuant to Section 4.1.010. Amendments are Type IV applications and Zone Changes are Type III applications if affecting only one or a few parcels and a small number of property owners, and Type IV applications otherwise.

4.4.020 Circumstances for granting a zone change.

The following circumstances are considered to be necessary for the consideration of an zoning amendment request:

- A.** The relationship of the proposed zone change is in conformance with the comprehensive plan and adjoining lands and uses.
- B.** Determination of why the area is not usable as presently planned and zoned, which may establish a basis for revision of the comprehensive plan, precedent to consideration of the zone change.

4.4.030 Circumstances for granting text amendments to this code.

The following circumstances are considered to be necessary for the consideration of an amendment request:

- A.** Consistency with the City of Yoncalla Comprehensive Plan:
- B.** Consistency with the Oregon Statewide Planning Goals (OAR 660-015)

4.4.040 Public hearings on amendments

Public hearings on amendments will follow Type IV Legislative procedure as outlined in Section 4.1.050.

4.4.050 Record of amendments.

The city recorder shall maintain records of amendments to the text and zoning map of this title.

4.4.060 Limitation on reapplications.

No application of a property owner for an amendment to the text of this title or to the zoning map shall be considered by the planning commission within the one-year period immediately following a previous denial of such request, except the planning commission may permit a new application, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

Chapter 4.5 — Land Divisions and Adjustments

Sections:

- 4.5.010 Purpose
- 4.5.020 Approval of partitioning and subdivisions required
- 4.5.030 Findings required
- 4.5.040 Partitions
- 4.5.050 Subdivisions
- 4.5.060 Property Line Adjustments and of Consolidations

4.5.010 Purpose

- A.** Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments as follows:
 - 1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
 - 2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year.
 - 3. Lot line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (Includes consolidation of lots).
- B.** Carry out the City's development pattern, as envisioned by the City's comprehensive plan.
- C.** Encourage efficient use of land resources and public services, and to provide transportation options.
- D.** Promote the public health, safety and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

4.5.020 Approval of partitioning and subdivisions required.

- A.** When proposing to subdivide land, the owner of such land shall submit to the secretary of the planning commission a map of sufficient accuracy to be used for the purpose of discussion in order to determine properly the classification of the proposed subdivision. The owner shall follow Type III procedure for both Partitions and Preliminary Subdivision. Final Subdivision and Final Partition shall adhere to Type II procedure. Lot Line Adjustments and Lot Consolidations shall adhere to Type II procedure.
- B.** No person shall divide land, except after approval of such division pursuant to this title.

- C.** No person shall sell any lot in any subdivision for which approval is required by this title:
 - 1. Until such approval is obtained; and
 - 2. The final plat of the subdivision has been acknowledged and recorded with the recording officer of the county. No person shall negotiate to sell any lot in a subdivision until a tentative subdivision plan has been approved.
- D.** No person shall sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat for such subdivision has been so recorded. In negotiating to sell a lot in a subdivision a person may use the approved tentative plan for such subdivision.
- E.** No person may sell any parcel in a partition for which approval is required by this title until such approval is obtained and the plat recorded; however, a person may negotiate to sell a parcel in a partition prior to the required approval of the partition.
- F.** No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate approval of the planning commission.
- G.** No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the city council.

4.5.030 Findings required.

- A.** To approve each, preliminary plat or final plat the planning commission (and city council on appeal) shall make findings of fact that the plat:
 - 1. Is in substantial conformance to the comprehensive plan; and that it
 - 2. Meets appropriate requirements of this Code including applicable zoning ordinances and regulations; and that
 - 3. There are adequate provisions for transportation, water supply, sewerage, drainage, education, recreation or other needs; and
 - 4. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the liability or appropriate development of abutting properties and surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
- B.** These findings shall be made in writing as part of the public record of each application for the division of land.

4.5.040 Partitions

A. Submission of Tentative Partition Plan

1. A completed Application for Land Partition shall be submitted to the Zoning Administrator at least 60 days prior to the Planning Commission meeting at which consideration of the application is desired. The completed application shall be accompanied by a copy of the proposed deed creating a public or private street or easement, if any; a draft of proposed covenants or deed restrictions; and one (1) original and at least seven (7) copies of a tentative partition plan in accordance with the following requirements. The applicant shall also submit a copy of the tentative partition plan to those special districts and agencies specified by the City or otherwise requested.

B. Scale.

The tentative partition plan shall be 18 x 27 Inches in size, with a 3-inch margin for binding. Black India Ink or another medium of sufficient clarity should be used to allow reproduction.

C. General Information.

The following general information shall be shown on the tentative partition plan:

1. An identifying name or title of the partition, which shall include the words "Tentative Partition Plan."
2. A vicinity map locating the proposed partition, accompanied by the appropriate quarter-section, Donation Land Claim, township, and range identifiers.
3. The date, north arrow, and scale.
4. The name and address of the record owner(s), mortgagee, if any, and person who prepared the tentative plan.
5. A certificate signed and acknowledged by all parties having any record title interest in the land to be partitioned, consenting to the partition.
6. The names and addresses of all adjacent property owners.
7. Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.
8. Comprehensive Plan designation and Zoning classification.
9. A plan of the proposed partition showing tract dimensions, distance and bearings of all lines, the proposed parcel sizes and layout, and their relationship to existing or proposed streets and utility easements.

D. Existing Conditions. The following existing conditions shall be shown on the tentative partition plan:

1. For land adjacent to and within the tract to be partitioned, the locations, names, and widths of existing streets; locations, widths, and purpose of existing easements; location and size of

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existing sewer and water lines and drainage ways; and location of existing power poles.

2. Depiction of all proposed public or private streets, reserve strips at the end of stubbed streets, utility or other easements and any limitations thereof, water supply and sewage disposal, storm water drainage, areas subject to flooding, contours as called for on subdivision plans, and significant natural features, in sufficient detail for review and evaluation.
3. Outline and location of existing buildings to remain, and their distance from proposed or existing property lines.
4. Such additional information as requested by the Planning Commission, including, but not limited to, contours and natural features.

E. Final partition plat.

Final plat for a partition shall be submitted to the city recorder attached to an application for approval, consistent with Type II procedure.

F. Final partition plat requirements.

1. Drafting. The final plat shall be drawn with pencil or India ink on substantial tracing paper, and show all pertinent information to scale.
 - a. The scale shall be standard, being 10, 20, 30, 40,
 - b. 50, 60, or 100 feet to the inch, and shall be so selected as to fit the finished drawing to a sheet size eight and one-half inches by 11 inches.
2. Information Required. The finished plat shall contain the following information with respect to the subdivision area:
 - a. An accurate map describing the boundaries of all contiguous land within which lots less than five acres in size or less than 300 feet in width at any point will be created by the finished plat; provided, that the planning commission may authorize the exclusion of any such land where it determines that such exclusion will be in accordance with the purposes of this title;
 - b. The date, north point and scale of the drawing and a sufficient description to define the location and boundaries of the subdivision area;
 - c. The names and addresses of the owner, subdivider and surveyor;
 - d. The location, name and present width of all streets and alleys;
 - e. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the master road plan;
 - f. The width and location of all easements for drainage or public utilities;
 - g. The dimensions and lot lines of all lots;
 - h. The existing use or uses of the property, including the location of all existing structures to remain on the property.

G. Review of final plat by other departments.

Within five days after a finished plat is duly submitted and deemed complete by the city recorder under Article II of this chapter, the city recorder shall distribute copies thereof to the city engineer for review. Not more than 15 days thereafter the engineer shall return the copies to the planning office together with any comments or information deemed necessary for the public benefit.

H. Approval of finished plat.

1. The finished plat shall be approved if the planning commission determines that:
 - a. The final plat conforms in all respects to the platting laws of the state, and to the requirements of this title; and that
 - b. Either:
 - i. Improvements as required by the planning commission and this title have been completed; or
 - ii. A performance agreement has been filed with the city recorder in sufficient amount to ensure the completion of all required improvements; and that
 - iii. The finished plat is accompanied by five accurate copies thereof; and that
 - iv. Assessments with respect to the subdivision area have been paid, or a segregation of assessments has been applied for and granted.
 - v. That no more than one year will pass between the approval of the preliminary plat and recording of the final plat. One one-year extension to this deadline may be granted by the Planning Commission. The extension must be requested prior to the expiration date.
2. Acknowledging Approval. Such approval of the finished plat shall be noted thereon by the chairman and secretary of the planning commission and city engineer with the date of such approval.

I. Return of finished partition plat.

Following approval by the planning commission, the secretary of the planning commission shall return the finished plat to the subdivider within 10 days, and no further approval or recording shall be required. The secretary of the planning commission shall also send a copy of the finished plat to the city recorder, who shall in turn give notice of receipt of that plat to the city council at its next scheduled meeting. Applicant shall furnish the planning commission secretary with a record that the plat has been filed properly.

J. Completion of plat.

If the conditions set by the planning commission have not been fulfilled at the end of one year (12 calendar months) after approval of final plat, or approved extension period as per Section 4.5.040(H), the plat may be declared null and void and a new application may be required.

4.5.050 Subdivision

A. Submitting preliminary subdivision plat.

A preliminary plat for a subdivision shall be processed as a Type III application. The preliminary subdivision plat shall be submitted to the city recorder, attached to an application for approval together with four additional copies of the preliminary plat.

B. Preliminary Subdivision plat requirements.

1. **Drafting.** The preliminary plat shall show all pertinent information to scale. The drawing shall be on standard-size sheets 18 inches by 27 inches and at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary to fit the drawing to the required plat size of 18 inches by 27 inches, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of 10 of anyone of these scales.
2. **Information Required.** The preliminary plat shall, in clear and legible form, include the following information with respect to the proposed subdivision area, on the map where practicable, and otherwise on separate sheets of paper in written statement:
 - a. A vicinity location map locating the subdivision area in the city and showing its relationship to the surrounding area;
 - b. The proposed name of the proposed subdivision area, which shall conform to the standards set forth in ORS 92.090;
 - c. The date, north point and scale of the drawing and a sufficient description to define the location and boundaries of the proposed subdivision area, and the names of all recorded plats of land contiguous to such area;
 - d. The names and addresses of the owner and surveyor;
 - e. The location of existing and proposed right-of-way lines for existing projected streets as shown on the master road plan;
 - f. The locations, names, widths, and typical improvement cross-sections of all streets, existing or proposed to be created, and the grades of existing streets, and the estimated finished grades of streets proposed to be created;
 - g. The elevations of all points used to determine contours shall be indicated in the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the county surveyor. The base data used shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
 - (i) One-foot contour intervals for ground slopes up to five percent;
 - (ii) Two-foot contour intervals for ground slopes between five and 10 percent;
 - (iii) Five-foot contour intervals for ground slopes exceeding 10 percent;
 - h. The approximate radii of all curves;
 - i. The approximate dimension of all proposed lots;

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- j. The existing and proposed uses of all property, including the source;
- k. The approximate location of areas subject to inundation or storm water overflow, and all areas covered by water and the location, width, and direction of flow of all water courses;
- l. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be imposed by the planning commission under Section 3.3.140(C);
- m. The domestic and fire protection water system proposed to be installed, including the source, quality and quantity of water if from other than a public water supply;
- n. All proposals for sewage disposal and storm drainage disposal, flood controls, and easements or deeds for utilities and drainage land, including profiles of proposed drainage ways;
- o. All public area proposed to be dedicated by the subdivider and the proposed uses thereof;
- p. All improvements proposed to be made or installed, and the time within which such improvements are proposed to be completed;
- q. A legal description of the boundaries of the entire tract owned by the subdivider of which the proposed subdivision area is a part; provided, that where the proposed subdivision area comprises all of such tract an affidavit of such fact shall accompany the preliminary plat.

C. Review of preliminary subdivision plat by other departments.

Within five days after a preliminary plat is duly submitted and deemed complete by the city recorder under Article III of this chapter, the city recorder shall distribute copies thereof to the city engineer for review. Not more than 15 days thereafter he shall return the copies to the planning office together with any comments or information he deems necessary for the public benefit.

D. Planning Commission action on preliminary subdivision plat.

Public Hearing and Notice. The planning commission shall conduct a public hearing on each application consistent with Type III procedure.

Notification of Action on a Preliminary subdivision Plat. Within 10 days following consideration by the planning commission of a preliminary plat, the subdivider shall be notified in writing by the secretary of the planning commission of the commission's action.

E. Effects of approval.

- 1. After approval of the preliminary subdivision plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Preliminary approval shall be effective for a period of one year (except as granted in 4.5.050(H)). If the final plat is not submitted to the secretary of the planning commission and recorded under 4.5.050(F)&(G), the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may exist.
- 2. As many as two one-year extensions to the final plat recording deadline may be granted by the Planning Commission. The extension must be requested by the applicant or an authorized agent prior to the expiration date.

F. Submitting final subdivision plat.

1. **Time for Submitting.** Except as granted per Section 4.5.050(H), a final plat shall be submitted by the subdivider to the city recorder and checked for completeness no later than one year after the date on which the preliminary plat for the subdivision area was approved, together with an exact copy meeting the requirements of subsection (2) of this section. No final plat for the subdivision area described has previously been duly submitted by such subdivider and approved by the planning commission as provided in this title.
2. **Material to Accompany Final Plat.**
 - a. **Submission of Exact Copy.** At the same time of submission of the final plat, an exact copy shall be submitted which is made with black drawing ink or photocopy, or reproduced by a process guaranteeing a permanent record in black upon a good-quality lined tracing cloth, or with a suitable black acetate base ink on a polyester base film coated upon completion with a suitable material to prevent flaking and to assure permanent legibility to the same scale and degree of legibility as the plat. The surveyor who made the plat shall make an affidavit to indicate that the cloth or film copy is an exact copy of the plat.
 - b. **Traverse Computation Sheets.** The licensed land surveyor signing the surveyor's affidavit on the final plat shall submit traverse computation sheets for the use of the Douglas County surveyor in checking the final plat, which sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the subdivision area, and for all boundaries and all lots in the final plat which are not completely rectangular in shape. Each course and distance shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin.
 - c. **Deed Restrictions.** A copy of all protective deed restrictions proposed for the subdivision area shall accompany the final plat.

G. Final Subdivision plat requirements.

1. **Drafting.** The final plat shall comply with the survey requirements of the Douglas County land use and development requirements.
2. **Information Required.** The final plat shall in clear and legible form contain the following information with respect to the subdivision area:
 - a. An accurate map describing the boundaries of all contiguous land in which lots less than five acres in size or less than 300 feet in width at any point will be created by the final plat; provided, that the planning commission may authorize the exclusion of any such land where it determines any such exclusion will be in accordance with the purpose of this title;
 - b. The length of all chords, radii points of curvature, and tangent bearings;
 - c. The lot lines of all lots within the subdivision area, with dimensions in feet and hundredths of feet and with all bearings shown;

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- d. Numbers designating each block and lot, lots in each block to be numbered consecutively;
- e. Where the plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat;
- f. The description and location of all permanent reference monuments;
- g. An affidavit of a surveyor, who is an Oregon registered engineer or Oregon licensed land surveyor, and who surveyed the subdivision area, conforming to the requirements of ORS 92.070;
- h. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision area;
- i. The locations, names and widths of all streets, existing or being created;
- j. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required by the planning commission under Section 3.2.020(D);
- k. A designation of all areas covered by water, and the location, width, and direction of flow of all water courses;
- l. A designation of all area being dedicated by the subdivider, including its proposed use, and an effective written dedication thereof.

H. Approval of final subdivision plat.

- I. Consideration of Final Plat. The planning commission shall consider the final plat and the approved preliminary plat and the reports of referring agencies at a regular planning commission meeting consistent with Section 4.1.030 Type II Procedure. The final plat shall be approved by a majority of a quorum of the planning commission if the planning commission determines that:
 - a. The final plat conforms in all respects to the platting laws of the state, and to the requirements of this title; and that
 - b. Either:
 - (i) Improvements as required by this title have been completed, and a certificate of such fact has been filed with the planning commission, or
 - (ii) A performance agreement has been filed with the city recorder in sufficient amount to ensure the completion of all required improvements; and that
 - (iii) The finished plat is accompanied by five accurate copies thereof; and that
 - (iv) Assessments with respect to the subdivision area have been paid, or a segregation of assessments has been applied for and granted.
 - (v) That no more than three years will pass between the approval of the preliminary subdivision and recording of the final plat.

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- c. Streets and alleys are dedicated to the public use without any reservation or restriction whatever; and that
 - d. All taxes and assessments with respect to the subdivision area have been paid.
2. **Acknowledging Approval.** Such approval of the final plat shall be evidenced by the signatures thereon of the mayor and the chairman of the planning commission, with the date of such approval.
 3. **Effect of Approval.** Approval shall be effective for a period of 90 days, and if the final plat is not offered for record by the subdivider in the office of the county clerk within such time, the final plat shall be submitted again to the planning commission under Section 4.5.050(H), and the entire procedure provided thereafter shall be repeated, for consideration of any changed condition which may then exist.
- I. Delivery of final subdivision plat to county surveyor.**
Following the approval by the planning commission:
1. If the final plat is for a subdivision, the subdivider or developer shall submit said map to the county surveyor.
 2. If the final plat is not for a subdivision, the subdivider or developer shall deliver it to the office of the county clerk and notify the city that such has been done and that the final plat may be offered for record.
- J. Completion of plat.**
If the conditions set by the planning commission have not been fulfilled at the end of one year (12 calendar months) after approval of final plat, or approved extension period as per Section 4.5.050(H), the plat may be declared null and void and a new application may be required.

4.5.060 Property Line Adjustments and Lot Consolidations

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The City Planning Official reviews applications for Property Line Adjustments pursuant to the Type II procedure under Section 4.1.030. The application submission and approval process for Property Line Adjustments is as follows:

A. Submission Requirements.

All applications for Property Line Adjustment and/or Lot Consolidation shall be made on forms provided by the City and shall include information required for a Type II review, pursuant to Section 4.1.030. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, the location of any public or private easement, existing fences and walls, and any other information deemed necessary by the Planning Commission for ensuring compliance with City codes. In the case of Property Line Adjustments, the application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. Approval Criteria.

The City Planning Official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:

1. Property Line Adjustment

- a. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;
- b. Lot standards. All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, and coverage.
- c. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.3.140, Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.

2. Lot Consolidation

- a. Both properties are lawfully established units of land, or the consolidation is intended to rectify previous unlawful establishment of units of land;
- b. The resulting number of parcels will be less than the existing number;
- c. All affected properties would comply with the minimum lot depth, width and area standards of the applicable zone after the proposed consolidation;
- d. Existing structures on any affected property would comply with the minimum and maximum setback standards of the applicable zone after the proposed consolidation; and
- e. If the resulting aggregation of affected properties is eligible for additional development under existing zoning, the proposed consolidation will not:

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- (i) Preclude the opportunity for such additional development; or
- (ii) Reconfigure the properties in a pattern which might avoid or reduce the need to install public improvements typically required as a condition of such additional development.

C. Recording Property Line Adjustments and Lot Consolidations

1. **Recording.** Upon the City's approval of the proposed property line adjustment or lot consolidation, the applicant shall record the appropriate documents with Douglas County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. **Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.

Chapter 4.6 — Modification of Provisions

Sections:

- 4.6.010 Time for Submitting Applications
- 4.6.020 Procedure
- 4.6.030 Contents of Application
- 4.6.040 Consideration of application by planning commission.

4.6.010 Time for Submitting Application.

Concurrently when submitting a preliminary plat, final plat or conditional use permit to the secretary of the planning commission for planning commission consideration and approval, an applicant may submit to the secretary of the planning commission an application for a modification of any application within Article 4.

4.6.020 Procedure

Modifications are a Type III procedure.

4.6.030 Contents of Application.

An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:

- A.** Such provision if strictly applied would cause unique and unnecessary hardship to such subdivider in subdividing the subdivision area; and that
- B.** Modification of such provision would not be contrary to the purpose of this title for the reason that:
 - 1. Where the application is for a modification of any provision of Chapters 3.2 and 3.3, unusual topographic conditions or previous layout of the subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the best use and value of property in the neighboring area; or
 - 2. Where the application is for a modification of any provision of Chapter 4.5 or 4.2, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

4.6.040 Consideration of application by planning commission.

- A.** Time of Consideration. At the planning commission meeting at which the finished plat, preliminary plat or final plat accompanying the application for a modification is to be considered by the planning

commission for approval, and prior to such consideration, the planning commission shall consider such application for a modification.

- B. Allowance of Modification by Planning Commission.** If a majority of a quorum of the planning commission determines from such evidence as it deems necessary and competent that the circumstances specified in Section 4.6.030 have been shown to exist, it shall allow a modification of such provision referred to in such application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of this title.
- C. Effect of Allowance of Modification.** After the procedure provided in subsection (1) of this section has been duly complied with, the planning commission shall proceed to consider the finished plat, preliminary plat or final plat which accompanied the application for such modification. Such consideration shall proceed under the requirements therefor heretofore provided in this title; but the planning commission may consider any provision of Chapters 3.2, 3.3, 4.2, and 4.5 to be satisfied to the extent and under the conditions and terms of the modification allowed
- D. Refusal to Allow Modification.** If a modification is not allowed by the planning commission as provided in subsection B of this section, the application for modification shall be deemed to have been denied and the planning commission shall proceed to consider the finished plat, preliminary plat or final plat which accompanied the application for such modification under the requirements therefor heretofore provided in this title.

Chapter 4.7 — Annexations

Sections:

4.7.010 Procedure

4.7.020 Criteria

4.7.010 Procedure

Annexation requests shall be processed consistent with the procedure set forth in Chapter 222 of the Oregon Revised Statutes.

4.7.020 Criteria

Request for annexation determined to be quasi-judicial in nature may be granted if the following criteria are met:

- A.** The land is contiguous with the city limits and located within the City's urban growth boundary as designated in the Comprehensive Plan.
- B.** The annexation is consistent with and promotes the Comprehensive Plan.
- C.** The annexation is consistent with and promotes the objectives of all other provisions of this Code and the Standards Document.
- D.** The development of the land to be annexed is compatible with the rational and logical extension of utilities and roads to the surrounding area.
- E.** Adequate public facilities and services can reasonably be made available to the annexed property without negatively impacting existing systems and the City's ability to adequately serve all areas within the existing city limits and an agreement has been reached as to how the provision of facilities or services will be financed.

ARTICLE 5: DEFINITIONS

Sections:

- 5.1.010 Purpose
- 5.1.020 Applicability
- 5.1.030 Definitions

5.1.010 Purpose

The purpose of Chapter 5.1 is to define terms that are used in the City of Yoncalla Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

5.1.020 Applicability

- A. Definitions.** The definitions in Chapter 5.1 apply to all actions and interpretations under the City of Yoncalla Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a term is not defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, shall be considered a standard reference.
- C. Conflicting definitions.** Where a term listed in Chapter 5.1 is explicitly defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.
- D. General.** For the purpose of this Code, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words in the plural shall also include the singular.

5.1.030 Definitions

The following definitions are organized alphabetically.

A

"Access" A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

“Access easement” An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

“Access spacing/intersection spacing” The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

“Accessory structure” or **“accessory use”** means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.

“Alley” A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access

“Alteration” means a change in construction or a change of occupancy, where the term "alteration" is applied to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

“Alteration, structural” means a change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

“Apartment house” means a building containing three or more dwelling units (see "dwelling, multifamily").

“Area, lot or parcel” means the total horizontal net area within the property lines of a lot or parcel, but not including that area within a road right-of-way.

“Arterial” The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties, generally providing between 8,000 and 30,000 auto daily trips daily.

“Automobile service station” means any premises used primarily for supplying at retail direct to the customer motor fuel, oil, auto accessories, and, as a secondary service, minor servicing, excluding body and fender repair.

“Automobile wrecking yard” means any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered or stored in the open and are not to be restored to operation.

B

“Basement” means the portion of a building included between a floor with its level two or more feet below finished grade and the ceiling next above said floor.

“Bed and breakfast home stay” means a private, owner-occupied, single-family residence with one to three guest rooms. The bed and breakfast home stay is subordinate and incidental to the main

residential use of the building. The only meal provided to the guests shall be breakfast. Any home used as a bed and breakfast home stay shall easily revert to the main residential use.

"Bicycle facility" There are different types of bicycle facilities: In general, a bicycle facility a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

"Billboard" means any outdoor advertising sign or device or any portion of a structure upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation of the use or nature of the business conducted on such premises, or the products primarily sold or manufactured thereon.

"Block length" means the distance measured along all that part of one side of a street which is between two intersections or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, water course, body of water or unsubdivided acreage.

"Boarding or rooming house" means a building where lodging with or without meals is provided for compensation for not less than three nor more than 15 persons in addition to members of the family occupying the building.

"Building" means a structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

"Building height" means the vertical distance measured from the adjoining street centerline grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

"Building line" means a line established by an ordinance to govern the placement of a building with respect to the front lot line through the setback requirements of minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement.

"Building site" means that portion of the lot or parcel of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements, and, if applicable, other items required by city ordinances.

"Bulk plant" means an establishment where commodities, including both liquids and solids, are received by tank vessel, pipeline, tank car, tank vehicle or other container, and are stored or blended in bulk for distribution by tank vessel, pipeline, tank car, tank vehicle or container.

C

"Care" means the provision of room and board and services that assist the resident in activities of daily living, such as assistance with bathing, dressing, grooming, eating, medication management, money management, or recreation.

"City" means the City of Yoncalla, Oregon.

“Collector, minor/major” Type of street that serves traffic within commercial, industrial, and residential neighborhood areas, generally providing between 1,500 and 5,000 auto daily trips daily.. Connects local neighborhood or district streets to the arterial network. Part of the street grid system.

“Commission” means the duly appointed planning commission of the City of Yoncalla, Oregon.

“Comprehensive plan” means the comprehensive development scheme for the city comprising plans, maps or reports, or any combination thereof, relating to the future economic and physical growth and development or redevelopment of the city.

“City council” means the common council elect of the City of Yoncalla, Oregon, which is the governing body of said city.

“County” means the county of Douglas, Oregon.

“Court” means an open, uncovered and unoccupied space contained within or completely surrounded by buildings.

“Cul-de-sac” means a dead-end street with a turnaround.

“Curb-cut” A driveway opening delineated by a concrete apron along a street.

D

“Dead-end street” A street that connects to another street at only one end and does not have a City-approved turnaround on its other end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

“Dedication” The designation of land by its owner for any public use as shown on a subdivision plat or deed.

“Depth, lot or parcel” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear, excluding any strip of land used primarily for access purposes.

“Division” means to divide or separate an area or tract of land by sale, lease, or separate building development and, when used herein, refers collectively to both partitions and subdivisions; provided, that the following types of transactions shall not constitute division of land:

- (a) Leasing or financing of apartments, offices, stores, or similar spaces within an apartment building, industrial building, or commercial building;
- (b) Renting or leasing of spaces within a mobile home park, vacation (recreational) trailer park, motel, tourist court, or campground;
- (c) Mineral, oil, or gas leases;
- (d) Any adjustment of a lot or parcel property line by the relocation of a common boundary where an additional lot or parcel is not created, the existing lot or parcel reduced in size by the adjustment is not, after such reduction, smaller than the minimum lot or parcel size established under this Code, the resulting lots or parcels are not otherwise in conflict with the city code and no existing public utility easement is affected;

- (e) Divisions of land resulting from the creation of cemetery lots;
- (f) A lease for agricultural purposes.

"Drainage land" means land required for drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.

"Dwelling"

- (a) "Duplex" means a detached building containing two dwelling units and designed for occupancy by two families.
- (b) "Triplex" means a detached building containing three dwelling units and designed for occupancy by three families.

"Dwelling, multifamily" means a building, or portion thereof, designed for occupancy by two or more families living independently of each other.

"Dwelling, single-family" means a detached building containing one dwelling unit and designed for occupancy by one family only.

"Dwelling unit" means one or more rooms in a building or structure designed for occupancy by one family and having not more than one cooking facility.

F

"Family" means an individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

"Farm use" means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of or the produce of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS chapter 321, or to the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

"Farm use, limited" means the use of animals for providing food or daily products for personal use by the landowner or as pets. Animals are subject to conditions and limitations provided herein and require a permit to house on property.

- (a) The total number of livestock allowed on a property in a residential zone shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (i) One horse or cow per acre.
 - (ii) One goat, sheep, llama, alpaca, or emu per half-acre.

- (iii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
- (iv) Animals and fowl shall be properly caged or housed, and proper sanitation shall be maintained.

"Fence" means an accessory structure, including landscape planting, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties. The fence shall be constructed of metal, masonry, or wood fencing. The fence shall not exceed six feet high on the side and back yards nor exceed four feet on the front property line. The fence height must conform to the clear-vision areas as defined in Section 3.2.150.

"Fence, sight-obscuring" means a fence, consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

"Final plat" means a plat for a major subdivision duly submitted to the secretary of the planning commission for planning commission consideration and approval and conforming in all respects to the requirements therefor specified in Chapter 4.5

"Finished plat" means a plat for a minor partition duly submitted to the secretary of the planning commission for planning commission consideration and approval and conforming in all respects to the requirements therefor specified in Chapter 4.5.

"Flood or flooding" means as designated by the National Flood Insurance Act of 1968, the general and temporary condition of partial or complete inundation of normally dry land areas:

- (a) From the overflow of streams, rivers or other inland water; or
- (b) From impounded water; or
- (c) From mudslides caused or precipitated by the accumulation of water on or under the ground.

"Flood plain (flood prone area)" means, as designated by the National Flood Insurance Act of 1968, an area:

- (a) Which has been in the past or can reasonably be expected in the future to be covered temporarily by flood; or
- (b) Subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, and the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.

"Floodway" means, as designated by the National Flood Insurance Act of 1968, the minimum areas of a riverine flood plain reasonably required for passage of flood water, so the limits of the floodway vary according to conditions within the flood plain.

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

- (a) Attic space providing headroom of less than seven feet.
- (b) Basement, if the floor above is less than six feet above grade.
- (c) Uncovered steps or fire escapes.
- (d) Private garages, carports or porches.
- (e) Accessory off-street parking or loading spaces.

"Foster home" means any family home or facility in which 24-hour care is provided for five or fewer persons who are not related to the provider by blood or marriage.

"Frontage" means property abutting on the street.

G

"Grade, ground level" means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a street right-of-way, the ground level shall be measured at the street right-of-way.

"Grazing" means the use of land for pasture of horses, cattle, sheep, goats, and/or domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

"Gross area" means the total usable area including accessory space dedicated to such things as streets, easements, and uses out of character with the principal use, but within a unit of area being measured.

H

"Hammerhead" or "T -end street" means a dead end street with a turnaround (see Figure I at the end of this Chapter and Section 3.3.140 (C)).

"Home occupation" means a lawful occupation carried on by a resident in no more than 20 percent of the living area of a dwelling as an accessory use in connection with which there is no person employed other than a member of the family and there is no activity conducted in such a manner as to give an outward appearance of a business in the ordinary meaning of the term.

"Horticulture" means the cultivation of plants, garden crops, trees and/or nursery stock.

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

"Hotel" means a building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the rooms.

I

"Improvement agreement" means an agreement that under prescribed circumstances may be used in lieu of required improvements or a performance agreement. It is a written agreement that is executed between the city and a developer, in a form approved by the city council, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to city standards and to waive all rights or remonstrances against such improvements, in exchange for which the city agrees that the

execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of this title.

J

"Junk yard" means any property used for breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap, waste material, or other junk.

K

"Kennel" means a lot or building in which four or more dogs, cats, or animals at least four months of age are kept commercially for boarding, propagation, training or sale.

L

"Livestock" means domestic animals and fowl or types customarily raised or kept on farms for profit or other purposes.

"Livestock feed lot" means an enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

"Livestock sales lot" means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

"Local Street" A street which is used primarily for access to abutting properties, generally serving less than 1,500 auto daily trips daily.

"Lot Line" (See Figures 2 and 3 and 4 at the end of this chapter.)

- (a) "Lot line" means the property line bounding a lot.
- (b) "Lot line, front" means the lot line abutting a street (other than an alley); for corner lots the front line shall be that with the narrowest street frontage, and for double frontage lots the lot front line shall be that lot line having frontage on a street which is so designated by the subdivider and approved by the planning commission.
- (c) "Lot line, rear" means the lot line which is opposite to and most distant from the lot front line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line. (See Figure 4)
- (d) "Lot line, side" means any lot line which is not a lot front line or lot rear line.

"Lot" means a unit of land that is created by a subdivision of land.

"Lot" means a parcel or tract of land as shown on a legally recorded plat of a subdivision, or a parcel or tract of land under one ownership, which can be a portion of the above.

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, the stem of a flag lot, and easements of access to other property.

"Lot, corner" means a lot abutting on two or more streets, other than an alley, at their intersections.

"Lot coverage" means the portion of a lot expressed as a percentage of the total lot area that is occupied by the principal and accessory buildings, including all projections.

"Lot depth" means the average horizontal distance between the front lot line and the rear lot line.

"Lot, interior" means a lot other than a corner lot.

"Lot, through" means an interior lot having frontage on two streets.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

M

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction.

"Manufactured home park" means any property used for the accommodation of two or more manufactured homes on a tenancy or lease basis.

"Minor partition" means any division of land which:

- (a) Results in not more than three lots fronting on an existing street; and which:
- (b) Does not include any new street or require the widening of any existing street on the plat or drawing of the minor division, but if a new street or the widening of any existing street is required, the same may be conveyed by a property owner to the city by a metes and bounds description to be recorded in the deed records of Douglas County, Oregon, and which:
- (c) Does not impede the future highest and best use of the remainder of the tract under the same ownership, or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto, in the judgment of the planning commission; and which:
- (d) Is not in conflict with any law or ordinance applicable to the land being divided; and which:
- (e) When it appears that the area is to be ultimately divided into four or more lots, the planning commission may require that all provisions of this title pertaining to a major division be complied with.

"Motel" means a building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to travelers.

N

"Nonconforming structure or use" means a lawful existing structure or use, at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

O

"Owner" means one who possesses title in property or to whom property belongs, with the requisite intent to own. This term includes an authorized agent of the owner.

"Owner" means an individual, association, partnership or corporation having legal or equitable title to land sought to be divided, other than legal title held for purpose of security only.

P

"Parcel" means a unit of land that is created by a partitioning of land.

"Parcel map" means a final diagram and other documentation relating to a major or minor partition prepared pursuant to this title.

"Parking space" means an enclosed or unenclosed surfaced area of not less than 18 feet by eight and one-half feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street or an alley which affords ingress and egress for automobiles.

"Partition" means either an act of partitioning land into two or three parcels or an area or tract of land partitioned.

"Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

"Pedestrian Way" A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).

"Performance agreement" means a proper petition submitted to and approved by the city council for construction and improvements as required in Section 3.3.200; or a performance bond executed by a surety company duly licensed to do business in the state of Oregon, in an amount equal to the full cost of the work to be done, and conditioned upon the faithful performance thereof in accordance with Section 3.3.200.

"Person" means every natural person, firm, partnership, association, estate, trust, receiver, or syndicate.

"Planning Commission" means the planning commission of the City of Yoncalla, Oregon.

"Planning office" means the Yoncalla City Hall, Yoncalla, Oregon.

"Plat" means a final map and other documents relating to a subdivision.

"Preliminary plat" means a tentative map and plan for a subdivision duly submitted to the secretary of the planning commission for planning commission consideration and approval and conforming in all respects to the requirements therefor specified in Chapter 4.5.

“Public access easement” A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

“Public use” means a structure or use intended or used for a public purpose by a city, school district, county, state or by any other public agency or by a public utility.

R

“Recreational vehicle” means a self-propelled vehicle or similar portable device originally designed or presently constructed to permit human occupancy for living or sleeping purposes on a temporary basis.

“Residential care facility” means a facility that provides, for six or more physically handicapped or socially dependent individuals, residential care in one or more buildings on contiguous properties.

“Residential facility” means a residential care facility, residential training facility or residential treatment facility licensed under ORS 443.400 through 443.455 for five or fewer unrelated physically or mentally handicapped persons or elderly persons and not to exceed two staff persons who need not be related to each other or to any other facility resident.

“Residential home” means a residence for five or fewer unrelated physically handicapped or socially dependent individuals providing residential care in one or more buildings on contiguous properties.

“Residential training facility” means a facility that provides, for six or more mentally retarded or other developmentally disabled individuals, residential care and treatment in one or more buildings on contiguous properties.

“Residential treatment facility” means a facility that provides, for six or more mentally, emotionally or behaviorally disturbed individuals, residential care and treatment in one or more buildings on contiguous properties.

“Retail store” means a store or place of business engaged in the sale of commodities or goods in small quantities to ultimate consumers.

“Right-of-way” An area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

“Roadway” The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

S

“Semi-public use” means a structure or use intended or used for a semi-public purpose by a church, lodge, club or any other nonprofit organization.

“Sidewalk” A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.

"Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

"Single-family density area" means an area abutting a local street not a business street, where for one block length or more, all property on both sides of said street is, or as determined by the planning commission will be, occupied by no more than nine families per acre exclusive of street right-of-way.

"Solar access" means the skyspace between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

"Solar collector" means a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

"Solar energy" means radiant energy (direct, diffuse, and reflected) received from the sun.

"Statutory subdivision" means a subdivision as defined in Oregon Revised Statutes (ORS).

"Story" means the portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.

"Story, half" means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

"Street" A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps.

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

"Street tree" A tree planted in a planter strip or tree well between the street and sidewalk.

"Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

"Subdivider" means any owner commencing proceedings under this title to effect a division of land by himself or through his lawful agent.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

T

"Temporary" means a use allowed during the construction of a permitted use and subject to removal upon expiration of a valid building permit.

"Travel trailer" means a vehicle or structure equipped with wheels for highway use that is intended for human occupancy, is not being used for residential purposes and is being used for vacation or recreational purposes.

"Turnaround" A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

V

"Vision clearance area" means a triangular area on a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are lot lines measured from their corner intersection for a distance of 25 feet on each side. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Y

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

"Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

"Yard, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest portion of a building.

"Yard, side" means a yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a building.

"Yard, street side (corner lot)" means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Figure 1: Subdivision Street Types

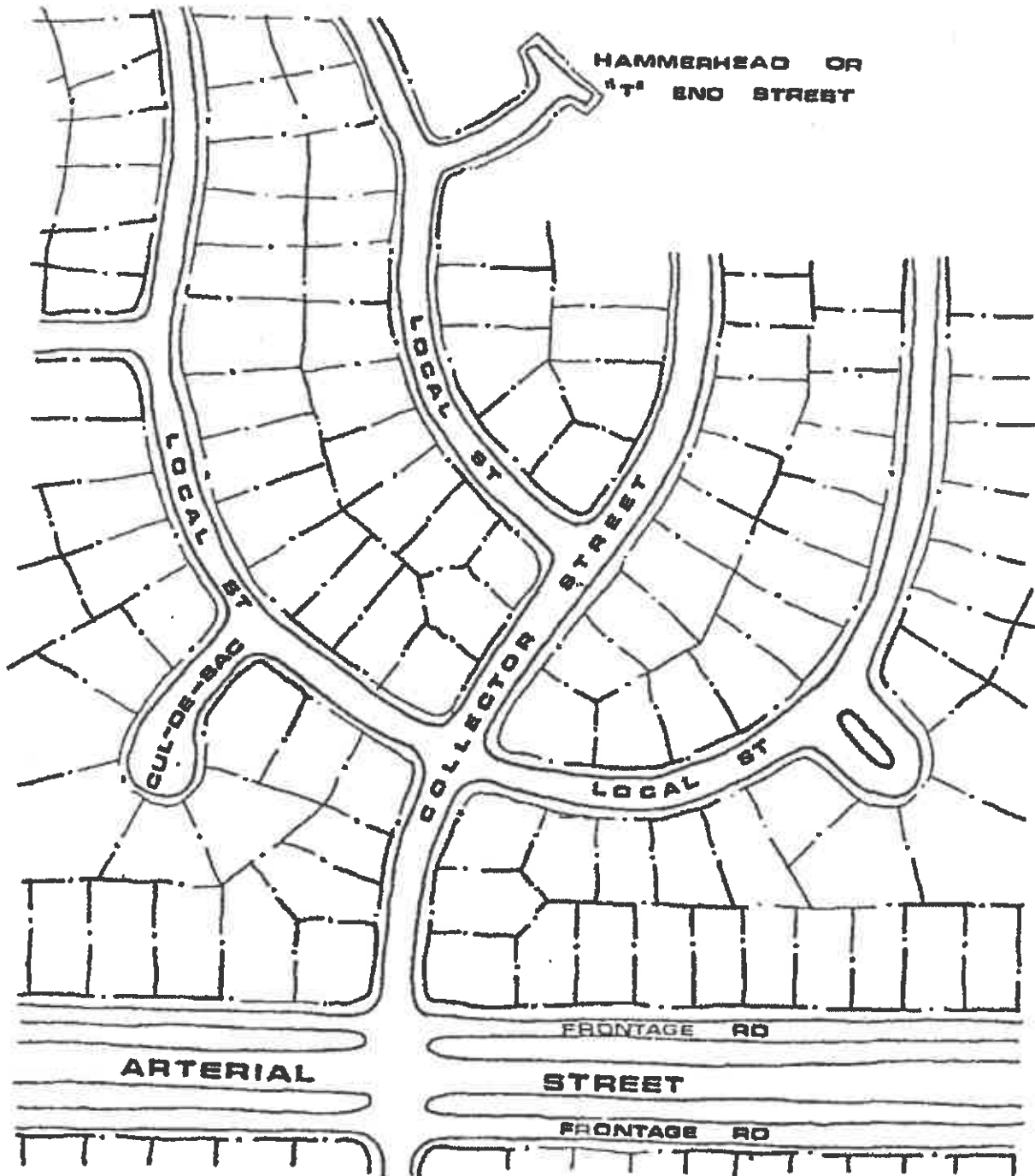


Figure 2: Interior Lots

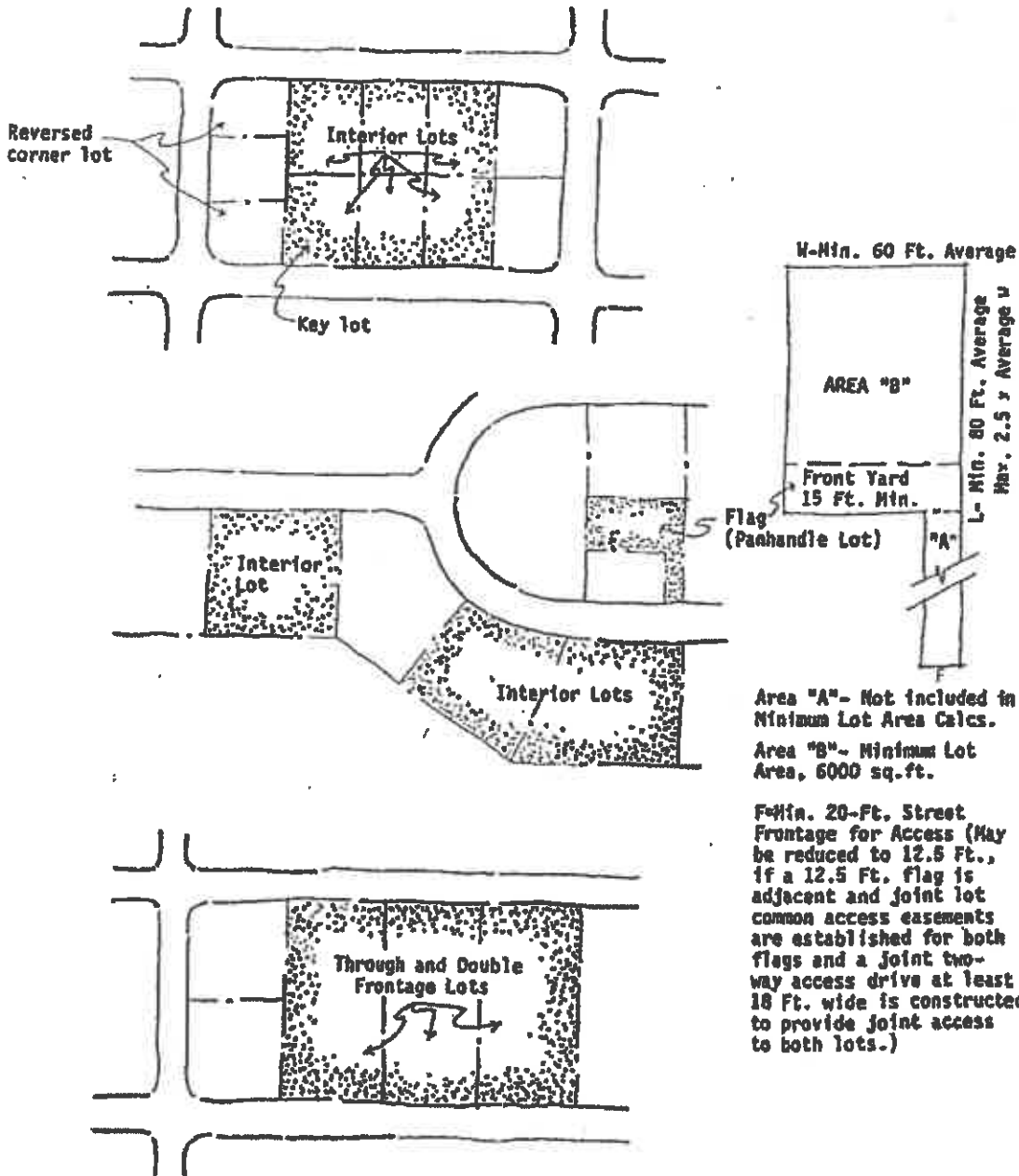


Figure 3: Corner Lots

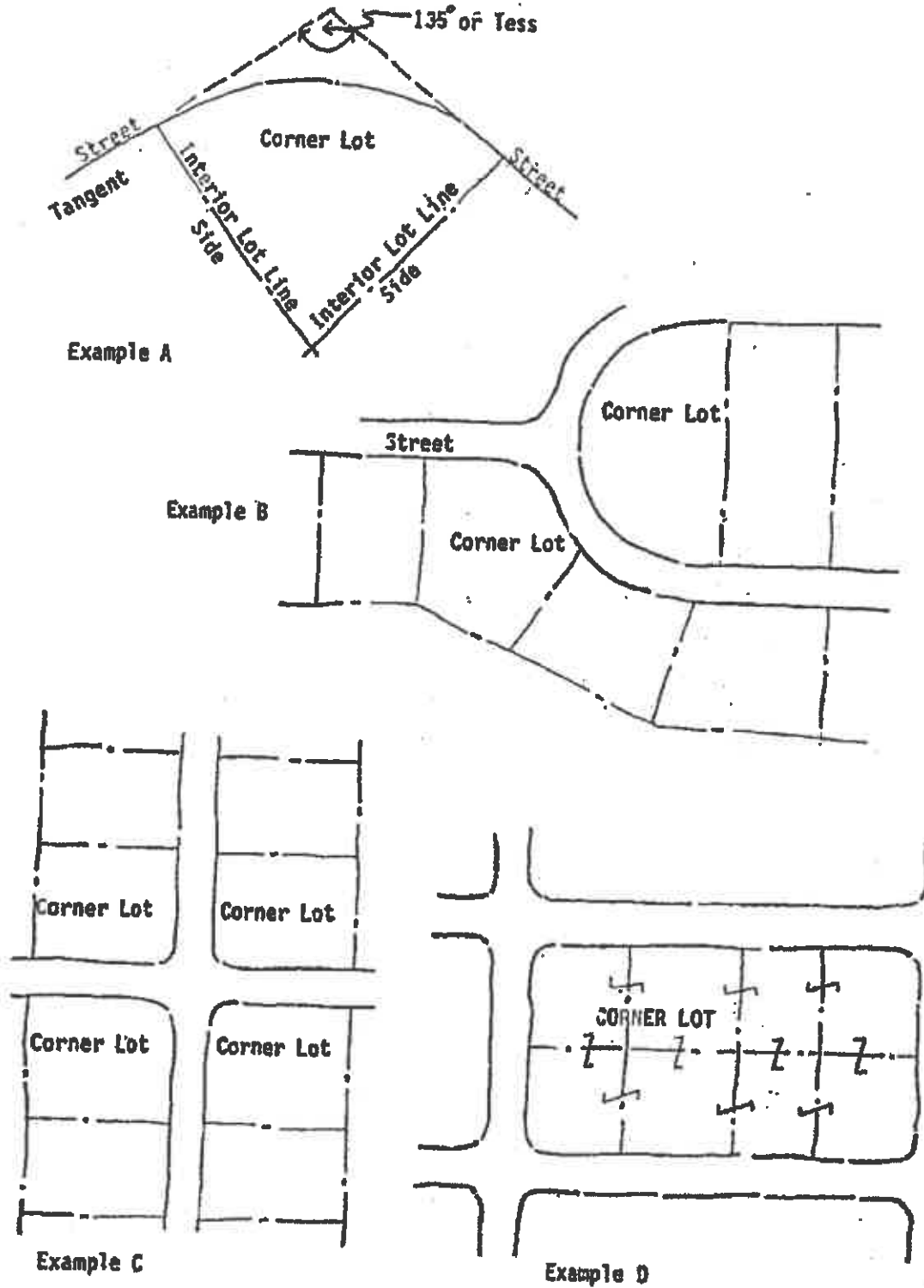
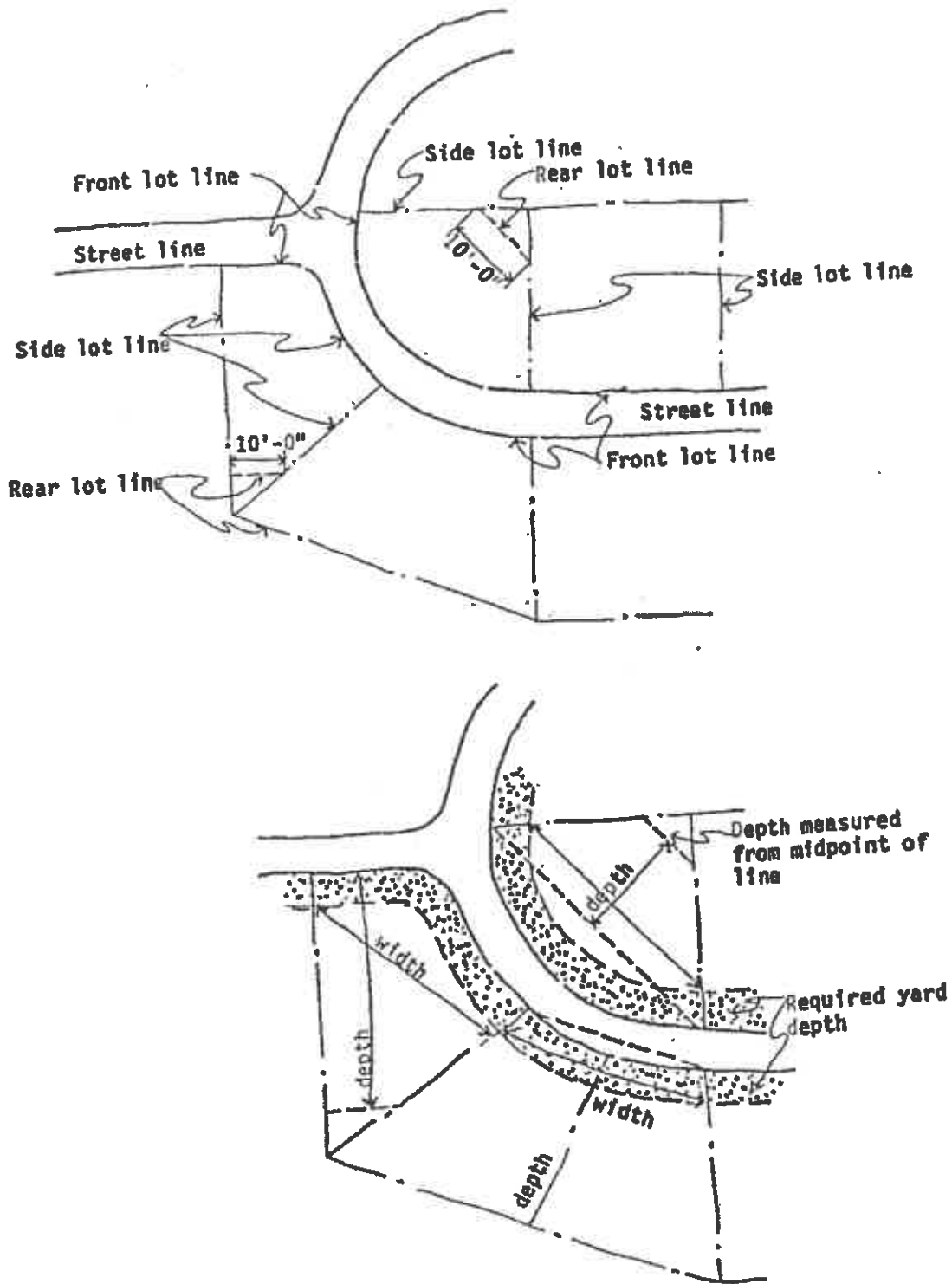


Figure 4: Lot Lines, Depth and Width



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